

7365. By Mr. ROBINSON: Petition signed by Mrs. F. H. Reuling, president, and Mrs. Charles M. Young, secretary Chapter F. E. of P. E. O., Waterloo, Black Hawk County, Iowa, urging the passage of legislation for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7366. Also, petition signed by the president, Mrs. William Briden, and the secretary, Mrs. John D. Theimer, of the Oak Ridge Woman's Christian Temperance Union, Cedar Falls, Black Hawk County, Iowa, urging the passage of legislation for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7367. By Mr. SWANSON: Petition of the Woman's Christian Temperance Union of Villisca, Iowa, favoring Federal supervision over motion pictures in interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7368. By Mr. WELCH of California: Petition of members of Veterans' Welfare Workers and members of sundry other organizations of San Francisco and vicinity, urging the speedy enactment of House bill 8371; to the Committee on Ways and Means.

7369. By Mr. YATES: Petition of W. G. Grady, president Fonies Manufacturing Co., Decatur, Ill., protesting against the Wagner bill, S. 3000, which passed the Senate; to the Committee on Labor.

HOUSE OF REPRESENTATIVES

SATURDAY, May 24, 1930

The House met at 12 o'clock noon and was called to order by Mr. SNELL, Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful God, our Father, we thank Thee that we are brought together again upon this day; Thy mercies are so constant and abundant. We are grateful that Thou art not an avenging God. Thou art infinitely above man, for all Thy judgments are administered in compassion and goodness. Though an infinite Creator, yet Thou dost love us all. Even the universe claims the devotion of our souls. So long as there is a flower to lift its face toward the sun; so long as there is a bird to sing away the selfishness of man; so long as there is a sunlit breast to feel the pulsations of redeeming love; so long as there is a wandering vagabond, wearing the scarred image of the Father, there will be everlasting love in the heart of the Almighty. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1164. An act authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance;

S. 1918. An act for the relief of Irene Strauss;

S. 2218. An act to authorize an appropriation for the relief of Joseph K. Munhall;

S. 2231. An act to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes;

S. 2332. An act for the relief of Milburn Knapp;

S. 3156. An act providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon;

S. 4195. An act for the relief of Samuel W. Brown;

S. 4235. An act to prohibit the sending of unsolicited merchandise through the mails;

S. 4531. An act authorizing a survey by the Surgeon General of the United States Public Health Service in connection with the control of cancer;

S. J. Res. 9. Joint resolution for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof, where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes; and

S. J. Res. 76. Joint resolution authorizing the Secretary of the Treasury to purchase farm-loan bonds issued by Federal land banks.

THE REPUBLIC OF GREECE

The SPEAKER pro tempore laid before the House the following communication from the Assistant Secretary of State:

DEPARTMENT OF STATE,

Washington, May 23, 1930.

Mr. WILLIAM TYLER PAGE,

Clerk of the House of Representatives, Washington, D. C.

SIR: This department is in receipt of a note from the minister of Greece, at this Capital, requesting that his sincere thanks and highest appreciation be transmitted to the House of Representatives for its good wishes and congratulations on the one hundredth anniversary of the independence of Greece.

I take pleasure in inclosing a copy of the Greek minister's note herewith.

Very truly yours,

For the Secretary of State:

WILBUR CARE,

Assistant Secretary.

(Inclosure: Copy of note from the Greek minister.)

MAY 16, 1930.

EXCELLENCY: I have the honor to acknowledge the receipt of your letter inclosing the resolution adopted by the House of Representatives on May 5, 1930, extending to the Republic of Greece the best wishes and congratulations of the House of Representatives on the one hundredth anniversary of the independence of Greece.

In expressing my deepest appreciation for this communication I should be exceedingly obliged if your excellency were kind enough to transmit to the House of Representatives my sincere thanks, as well as my highest appreciation, for their good wishes and congratulations on the occasion of the one hundredth anniversary of Greece's independence, with the assurance that this resolution will be immediately brought to the knowledge of my Government.

Accept, your excellency, the renewed assurances of my highest consideration.

His Excellency Mr. HENRY L. STIMSON,

Secretary of State, etc., etc., Washington, D. C.

THOMAS L. BLANTON

Mr. GARNER. Mr. Speaker, the Member elect from the seventeenth district of Texas, Mr. BLANTON, is in the Hall, and I ask unanimous consent that he be sworn in at this time. I will state in this connection that his opponent, Mrs. Lee, has conceded his election and there is no contest from that district.

Mr. TILSON. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. TILSON. I understand that the credentials have not been received?

Mr. GARNER. I do not think that they have, but there is no question of Mr. BLANTON's election.

The SPEAKER pro tempore. The Chair is informed that the credentials have not been received. There is serious doubt in the Chair's mind about the authority of the Speaker pro tempore to administer the oath to a Member, and the present occupant of the chair will request the gentleman to present his request on Monday.

Mr. GARNER. Very well.

THE TARIFF

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWTHER. Mr. Speaker and Members of the House, we have had in connection with all our tariff bills a constant flood of criticism from the free-trade and low-tariff advocates. For years they have been predicting disaster and ruin if the policy of protection should be adopted.

The attacks on the Hawley-Smoot bill are the most vicious and untruthful that have ever been published. The oft-repeated charge that it will cost the consumers a billion dollars is without foundation, and those who persist in disseminating this type of false doctrine ought all to be made charter members of the Ananias club.

The great triumvirate that seems to be indissolubly linked together for the purpose of discrediting the Hawley-Smoot bill is made up of the Democratic Party, the international bankers, and the importers. Their objective is that of the pirates of long ago—"scuttle the ship" of protection and let her sink with captain and crew.

This year they have another group that has crept into the picture, a group of so-called economists who teach the youthful students at our colleges and universities that free trade is the specific cure for all industrial ills.

It would be interesting to know who organized the 1,028 college professors and formulated the plan to have them send in their protest.

Mr. Speaker, the average American has a heap of common sense, and all the sophistry and cunning devices of the Democrats, the international bankers, and the importers have never led him astray. He is concerned as to the distribution of pay envelopes at regular periods; he is interested in the permanency of his job; he craves opportunity to get ahead in this old world, educate his children, and give them a better chance than he had. None of these advantages can come to him under the policy of free trade of low tariff so highly recommended to him by the Democrats. The Democratic Party made ardent protestations in 1928 that they were strong for protection, but when the opportunity came for them to approach the mourners' bench and confess their faith they weakened and fell by the wayside. It will take more than one Raskob to make a protectionist party of the Democrats. They have conducted themselves during the preparation of this tariff bill in a manner that has caused the conservative members of their own party to look upon them with distrust and disgust.

The great body politic in our Nation has again been deceived by the Democratic Party, and our common-sense folks realize that all they put on the cloak of protection for was to deceive the American workmen. "By their deeds ye shall know them."

Mr. Speaker, in view of the tremendous propaganda, editorial and otherwise, with which the country is being flooded, I take this opportunity to present an editorial from the American Labor Banner, published by the International Labor News Service at Washington, D. C., of which Mr. Matthew Woll is president.

PLAIN TALK ABOUT TARIFF, FOR WHICH IT IS HIGH TIME, INDEED
(An editorial)

It is high time there was plain talk about tariff and about some of those who are seeking to influence tariff legislation now pending.

For the first time in American history a large group of international unions have united to secure adequate tariff protection for the commodities they are engaged in making.

For the first time in American history an American tariff bill stipulates protection of American labor in its title.

These are important facts. There are many others.

American trade unions have by no means been able to have written into the bill all they require for the protection of their standards and the needed improvement in their conditions. But they have made some progress.

American labor faces an unprecedented condition. Even with our tragic unemployment, wages, working conditions, and employment conditions are better than in either Europe or Asia.

TARIFF A VITAL ISSUE

Commodities made abroad by workers who get as low as one-fourth the American rate of wages are imported and put in competition with American-made commodities. Many of the European and Asiatic products are made on American machinery and some of them are made in factories owned by Americans, their products bearing American trademarks and American patents.

To-day's situation never existed before. Tariff is no longer an academic matter to be debated by cloistered gentlemen, nor a political tool to be manipulated by those who have political ends to serve.

Tariff protection in a great many American industries is a necessity if the American industries are to be preserved. It is not a question of "infant industries," it is a question of big industries as well.

Without attempting to justify everything that is found in the tariff bill now under consideration, this newspaper asserts itself in behalf of everything that has been written into the bill to honestly protect American wage standards against the miserable wage levels of Europe and Asia. Moreover, it is better to overprotect than to underprotect!

There are those who assail the bill as a whole. Most of those who level these broadside attacks pretend to be "friends of labor." Labor has had altogether too much of that kind of "friendship."

AN AMAZING SPECTACLE

A large group of college professors came to the rescue of European and Asiatic starvation-wage employers with a slashing attack on the tariff bill. They called themselves economists. The Scripps-Howard newspapers, whose amazing attack on organized labor last fall has not yet been forgotten, have attacked the bill steadily, without consideration for the necessary protective provisions written into the bill at the specific request of labor.

The New York World has attacked the bill about as ridiculously as it could be attacked. As an example, a World editorial went through the list of things used by the average man in a day—his toothbrush, his bathrobe, the cloth on his breakfast table, and so on. It asserted that each item would cost a given amount more under the new tariff bill.

That was to assume that the average American would use nothing but imported commodities throughout his average day, a most absurd assumption. Whether under no tariff or high tariff, such a proceeding would soon obliterate all American industry, including the New York World.

FORD IS AN IMPORTER

Henry Ford has attacked the bill through the Scripps-Howard newspapers. Ford is rated as a manufacturer, but he also is an importer, and Ford will benefit by low duties on the many things he imports. The present law contains a 25 per cent duty on automobiles, and Henry Ford needs no higher duty to protect the only commodity which might be imported in competition with him. A General Motors official attacks the bill, and what applies to Ford applies to General Motors.

Not only does Ford import many things used in making automobiles but he manufactures tractors in Ireland, has them protected by American patents, and imports them duty free under a customs ruling—a ruling the fairness of which is open to challenge—that they are entitled to free entry as agricultural implements, a ruling that would not be changed under any new tariff legislation. Naturally, Mr. Ford is satisfied.

Somebody told me that the Wall Street Journal carried a story about a man who lost his job in a Ford plant, and that night he dreamed that Henry Ford died and was being carried to his burial place by six pallbearers, and as they approached the grave Henry woke up, broke through the cover of the casket, looked them over, and said: "Go to shop No. 7 and get a set of wheels and discharge five of these men." [Laughter.] That explains Mr. Ford's real consideration for labor.

Mr. HOWARD. Will the gentleman yield?

Mr. CROWTHER. I yield.

Mr. HOWARD. Will the gentleman be kind enough to place in the RECORD the paper that his editorial comes from?

Mr. CROWTHER. I shall oblige the gentleman from Nebraska by incorporating the title of the paper in my remarks.

Mr. Speaker, I continue the editorial:

Newspaper assailants of the bill proclaim their defense of that mythical person, "the consumer." There is no consumer unless there is a producer, and if there is a consumer who is not also a producer in some capacity, then he is a parasite about whom this newspaper is not much concerned save to help see to it that his civil rights are protected.

DIPLOMATS ABUSE PRIVILEGE

Foreign diplomats accredited to the United States have publicly attacked the tariff bill, thus seeking to participate in the making of American legislation. The Swiss minister indulged himself in a radio speech. The Spanish ambassador made a public speech. At the outset of the struggle the Cuban ambassador had a great deal to say. Every foreign diplomat who has attempted to interfere with American legislation should be sent home.

[Applause.]

Their proper mission does not include the business of scaring American legislators into letting cheap foreign-made goods into the American market free of duty.

WHO GAINS? THE ANSWER

The scholastic gentlemen, the diplomats, the big manufacturers like Ford, the newspaper like the Scripps-Howard newspapers and the New York World, are, whether they want to or not, serving one powerful group of capitalists—the importers and the international bankers.

[Applause.]

As against the importers, who are purely middlemen, and as against the international bankers, it is time the masses of the American people, the great armies who work for wages, be heard and protected. To stop immigration is of little avail if the would-be immigrant may send his competition through his manufactured output. He combats our standards without bettering his own.

Mr. O'CONNOR of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. O'CONNOR of Oklahoma. I have my remarks extended in the RECORD this morning, and in them I refer to this tariff propaganda and suggest it might be interesting, if we are investigating propaganda, to know where all this is coming from. Possibly the gentleman may have read the speech.

Mr. CROWTHER. If the speech is from the pen of the gentleman from Oklahoma, I shall certainly read it.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

REQUESTING THE PRESIDENT TO RETURN A BILL

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent for the present consideration of House Concurrent Resolution 33, which I send to the desk and ask to have read.

The Clerk read as follows:

House Concurrent Resolution 33

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill H. R. 185, entitled "An act to amend section 180, title 28, United States Code, as amended."

The SPEAKER pro tempore. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I understand this is merely a request for the return of a bill so that the name of a county, which was misspelled, may be correctly spelled.

Mr. CHRISTOPHERSON. That is the only purpose.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. COCHRAN of Missouri. Mr. Speaker, in view of the fact that the gentleman from New York [Mr. CROWTHER] has just made an interesting speech and has based his remarks on an editorial from a labor paper, I ask unanimous consent that I be permitted to insert in the RECORD some short editorials from a labor paper known as Labor, published in the city of Washington, with 1,000,000 circulation, with reference to the tariff.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks by publishing certain editorials from Labor, a paper published in the city of Washington. Is there objection?

Mr. SPROUL of Illinois. Mr. Speaker, I object.

LEAVE TO ADDRESS THE HOUSE

Mr. KVALE. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal and the disposition of business on the Speaker's desk, I be permitted to address the House for 10 minutes, and that the gentleman from Montana [Mr. LEAVITT] may have a similar time.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that on Monday next, after the reading of the Journal and the disposition of business on the Speaker's desk, he be permitted to address the House for 10 minutes, and that the gentleman from Montana [Mr. LEAVITT] may have a similar time. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that I be permitted to address the House for five minutes following those two addresses on Monday next.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BRIDGE ACROSS PEEDEE RIVER, GEORGETOWN, S. C.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4182) granting the consent of Congress to the county of Georgetown, S. C., to construct, maintain, and operate a bridge across the Peedee River and a bridge across the Waccamaw River, both at or near Georgetown, S. C., with a Senate amendment to the House amendment, and concur in the Senate amendment to the House amendment.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the bill S. 4182 and concur in the Senate amendment to a House amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment as follows:

On page 2 of the House engrossed amendment, in line 25, strike out the word "authorize" and insert the word "exercise," and on page 3, line 1, of said engrossed amendment, strike out the word "authorized" and insert the word "conferred."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment to the House amendment.

The Senate amendment to the House amendment was agreed to.

FARM RELIEF

Mr. LARSEN. Mr. Speaker, I ask unanimous consent that I be permitted to extend my remarks in the RECORD on the agricultural situation, and to incorporate therein a 1-page letter written by the president of the Georgia Warehouse & Compress Co. expressing his views in a very complimentary way to the work performed by the Federal Farm Board.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on the farm situation and to incorporate a letter he has received relative to the work of the Farm Board. Is there objection?

There was no objection.

Mr. LARSEN. Mr. Speaker, ladies and gentlemen of the House, no well-informed person will doubt that the Government has aided agriculture during the past few years, but to just what extent the Government can and should aid may be a question on which many differ. Except for the Federal loans made to farmers in the Southeast during last year and in some localities this year, it is difficult to see how they could have operated. What the Federal Farm Board has done and may be able to do is difficult to say. There are many who say that little has been or can be accomplished, but I feel progress has been made and believe that much more can be done if the farmers will organize and take advantage of the opportunities offered.

I herewith insert letter received from Mr. J. M. Finn, president of the Georgia Warehouse & Compress Co., of Dublin, Ga., which gives his views. I consider Mr. Finn well qualified to speak on the question. He is a man of capacity and wide experience in banking and warehouse business, having long been connected with various agricultural enterprises. He has closely observed operations of the Farm Board, and is in position to intelligently predict what it may be able to do when once it has had opportunity to begin a normal functioning. His letter follows:

GEORGIA WAREHOUSE & COMPRESS CO.,

Dublin, Ga., May 12, 1930.

Hon. W. W. LARSEN,

Washington, D. C.

DEAR SIR: We can not conceive of any other plan that could have been devised and worked out to bring immediate and effective relief to the distressed agriculture conditions of the country as the creation and organization of the Farm Board, and especially the selection of its personnel. Its cooperations in connection with the cooperative organizations, and especially the cotton growers' cooperative organization of Georgia as it has been conducted, has brought wonderful results to a very desperate marketing situation.

The Government through the Farm Board has supplied the money and talent necessary to give effective marketing, which unorganized producers must have in order to secure a just return for their products as against unlimited capital and experienced market manipulators in whose hands the purchasing of farm products seem to have drifted almost entirely.

It is our opinion that millions of dollars would have been lost to the cotton growers, and one of the country's greatest annual gold-producing resources would have almost been destroyed had not this plan of relief been devised and put into operation.

A permanent organization along this line is absolutely necessary to secure reasonable returns for farm products.

A thorough study of world markets and world conditions, such as can be secured by the Farm Board through our statistical and consulate relations with other countries, should open up to us the real reason for some of our losses to the export trade which seems to be one material cause for overproduction, if there is an overproduction, and farmers should regulate their future production in full sympathy and according with the directions of the Farm Board.

Cooperative marketing and cooperative production are so closely allied that there is no successful operation of either without consideration to both.

We are in hearty sympathy and commend the operation of the Farm Board and its conjunction with the cooperative organizations, and earnestly entreat you to continue your support of same, and your support of whatever additional powers is necessary to be granted them for the continuation of their successful operation.

Very truly yours,

J. M. FINN, President.

CHANGING NAME OF IOWA CIRCLE

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2224) to change the name of Iowa Circle, in the city of Washington, to Logan Circle, and consider the same at this time. An identical bill was passed by the House within five minutes of the time that this bill passed the Senate. In fact, I understand they passed each other on the way over to the different bodies. I have spoken to the chairman of the Committee on the District of Columbia, and also to the majority and minority leaders about calling up the bill at this time.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill S. 2224 and consider the same. The Clerk will report the bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the name of the circle now known as Iowa Circle, in the city of Washington, is hereby changed to Logan Circle in

recognition of the services rendered the United States by Gen. John A. Logan during the Civil War and in civil life, and the surveyor of the District of Columbia is hereby directed to enter such change on the records of his office.

The SPEAKER pro tempore. Is there objection?

Mr. RAMSEYER. Reserving the right to object, Mr. Speaker, is this a bill that has passed the House and has come back with Senate amendments?

Mr. DENISON. No; this is a Senate bill; an identical bill passed the House and the Senate at practically the same time.

Mr. STAFFORD. May I inquire if the change of the name of Iowa Circle is entirely agreeable to the Iowa delegation?

Mr. RAMSEYER. I am not speaking for the Iowa delegation. This bill to change the name of Iowa Circle to Logan Circle was put through over a month ago on a District of Columbia day without debate. It so happened that I was not on the floor of the House at the time this took place. I do not know the reason for making this change. If I remember correctly, that circle was named Iowa Circle during the service of Senator Allison, and it was probably at his request or by a bill that he may have sponsored that that circle was named Iowa Circle.

What is the reason for changing the name of this circle? The Logan statue is in this circle. That General Logan's statue was placed in this circle is an honor both to Iowa and General Logan. Many Iowa soldiers served under General Logan during the Civil War, and I think it is entirely appropriate that the Logan statue should be placed in Iowa Circle in view of the association during the Civil War of General Logan with the Iowa soldiers.

Mr. DENISON. May I state to the gentleman from Iowa that this matter has been under consideration for a good many years? Another circle near this circle is Thomas Circle, with the statue of General Thomas in its center, a statue erected in memory of General Thomas; and the next circle is Scott Circle, named after Gen. Winfield Scott; then there is Washington Circle on Pennsylvania Avenue and Sheridan Circle in the same part of the city. It seems to have been the intention to erect statues of generals in the different circles and to name the circles after them.

There has been no objection to this from any source. The matter came up on the District Day Calendar in the ordinary way. There was no objection here or in the other Chamber, and I am sure the State of Iowa could be honored in other ways.

Mr. RAMSEYER. In what way? Is it an honor to the State of Iowa to now change the name of Iowa Circle to something else, when the circle was named after the State of Iowa?

Mr. DENISON. I do not know how it is going to be done.

Mr. RAMSEYER. Does the gentleman know how that circle came to be named "Iowa Circle"?

Mr. DENISON. I do not know, but I know there used to be a hotel fronting that circle named the "Iowa Hotel." Perhaps it was named on that account.

Mr. RAMSEYER. Was that circle named "Iowa Circle" before or after the statue of General Logan was placed there?

Mr. DENISON. I do not know as to that.

Mr. RAMSEYER. Who introduced the bill to change the name of Iowa Circle from "Iowa Circle" to "Logan Circle"?

Mr. DENISON. I did; General Logan for many years represented the district in this Chamber, which I now have the honor to represent. He was an outstanding character in the Congress and one of the great generals of our country, and it was fitting that he should have been so honored.

Mr. COLE. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes. I yield to my colleague from Iowa.

Mr. COLE. The circle was named "Iowa" at the suggestion of the Senator from Iowa, Mr. Allison, and it was done before the Logan statue was erected there. The original proposition was to erect in that circle a statue of Gen. Grenville M. Dodge, of Iowa, but General Dodge lived on and on, and of course no statue could be erected to him during his lifetime.

Mr. GARNER. Mr. Speaker, this day has been set aside for the consideration of the Private Calendar. The gentleman from Iowa should know that. I believe I shall ask for the regular order.

Mr. RAMSEYER. Is the gentleman willing to let my colleague from Iowa [Mr. COLE], who is an Iowa historian, enlighten the House?

Mr. GARNER. I have no objection.

Mr. COLE. I have no intention of making a speech to delay consideration of the calendar bills. I am simply stating that this circle was named "Iowa" long before the Logan statue was erected there. General Dodge did not die in time, and so he could not be given that honor. [Laughter.] So the statue to General Logan was placed in that circle.

Mr. RAMSEYER. Does my colleague from Iowa favor this bill?

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield for a question?

Mr. RAMSEYER. Let my colleague from Iowa answer.

Mr. CHINDBLOM. Is there any other circle named after a State? Were not the circles in the city of Washington, in the District of Columbia, named after great men generally? Would not this conform to the general practice? I leave it to the gentleman from Iowa to answer in the spirit of neighborliness, which I know he cherishes toward Illinois, the home State of General Logan.

Mr. COLE. I think that is true, but I think some compensating honor should be conferred on our State, and until the gentleman can suggest such an arrangement, I am inclined to object.

Mr. DENISON. I may say that they are already arranging for the ceremonies to be observed when the name of the circle is changed, assuming that the bill will become a law, it having passed both bodies. The proceedings are to be conducted next week, I think.

Mr. CRAMTON. Does the gentleman think that that circle named "Iowa" is sufficient honor to the State of Iowa?

Mr. COLE. If the gentleman will arrange some quid pro quo, that will be satisfactory.

Mr. CLARKE of New York. I would make the suggestion that you compromise on Clarke Circle.

Mr. RAMSEYER. Mr. Speaker, in order that we may have time to consider the propriety of changing the name of this circle from "Iowa" to "Logan" and to confer with my colleague [Mr. COLE], who is an authority on Iowa history, and to get his judgment on this bill, I, for the present, object. This bill can be taken up later and considered.

EDUCATION

Mr. AYRES. Mr. Speaker, I ask unanimous consent to extend my remarks and to insert a short letter from the Director of the Federal Board of Vocational Education on the question of education.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. AYRES] asks unanimous consent to extend his remarks by printing in the RECORD a letter from the Director of the Board of Vocational Education. Is there objection?

There was no objection.

Mr. AYRES. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following short letter from the Director of the Federal Board for Vocational Education:

FEDERAL BOARD FOR VOCATIONAL EDUCATION,
Washington, May 20, 1930.

Hon. WILLIAM A. AYRES,

House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: I read with a great deal of interest your address on Scientific Adult Education, Its Popularity and Its Wonderful Achievement in This Nation, as printed on pages 9179-9180 of the CONGRESSIONAL RECORD of May 19.

This is a splendid article and should be brought to the attention of educators throughout the country. I am inclosing a list of executive officers and State directors of vocational education in all the States, and suggest that you have a reprint of this article from the CONGRESSIONAL RECORD mailed to each of them.

Very truly yours,

J. C. WRIGHT, Director.

HENRY P. BIEHL

Mr. TILSON. Mr. Speaker, I call for the regular order of the day, the Private Calendar.

The SPEAKER pro tempore. Under the regular order, the Clerk will call the Private Calendar, beginning where it was discontinued yesterday, No. 446.

The next business on the Private Calendar was the bill (H. R. 1160) for the relief of Henry P. Biehl.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Henry P. Biehl, late of the U. S. S. *Frederick*, United States Navy, World War, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States.

With the following committee amendments:

Page 1, line 5, at the beginning of the line insert "and sailors."

Page 1, line 8, after the word "States" insert "Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN C. WARREN, ALIAS JOHN STEVENS

The next business on the Private Calendar was the bill (H. R. 9975) for the relief of John C. Warren, alias John Stevens.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors, John C. Warren, alias John Stevens, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States on or about the 10th day of August, 1865: *Provided,* That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the date of passage of this act.

With the following committee amendment:

At the beginning of line 5 insert "their widows, and other dependents."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWIN G. BLANCHARD

The next business on the Private Calendar was the bill (H. R. 2185) for the relief of Edwin G. Blanchard.

There being no objection, the Clerk read the bill, as follows:

Whereas Edwin G. Blanchard served in the Three hundred and thirty-fourth Aero Squadron, Air Service, during the World War, having enlisted therein January 10, 1918, and having been honorably discharged therefrom December 21, 1918: Now, therefore,

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edwin G. Blanchard, who served in Company G, Twenty-sixth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on or about the day of

With the following committee amendments:

Page 2, line 2, after the word "the," insert "28th," and after the words "day of" insert the word "November"; page 2, line 3, insert the figures "1902: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HASKINS & SELLS

The next business on the Private Calendar was the bill (H. R. 320) for the relief of Haskins & Sells.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I believe the author of the bill is present and should make some explanation about this. This is for professional services rendered, and I do not think it should be passed unless there is some explanation by the author of the bill.

Mr. STAFFORD. If I may supplement that request, I notice from the letter of the Secretary of War that this bill has been before the Sixty-eighth, Sixty-ninth, and Seventieth Congresses with an unfavorable recommendation by the department. Now, however, it changes front, and makes a favorable report.

Mr. CHINDBLOM. For a very good reason, I will say to the gentleman.

Mr. STAFFORD. This is an old claim arising out of the war, and I think some good reason should be advanced why we should consider it.

Mr. CHINDBLOM. Mr. Speaker, this bill arises out of a contract made by the Ordnance Department of the Army with Haskins & Sells, a firm of expert accountants, who rendered services to the War Department during the year 1920 at the Rock Island Arsenal.

There has never been any dispute as to the amount due to the accountants for their services. The department paid them \$24,624.05 on account, leaving a balance of \$3,500. They were employed for the purpose of devising means of improving the cost-accounting system at the Rock Island Arsenal.

Mr. STAFFORD. If the gentleman will permit, I notice from the report that they presented a bill for \$24,624.05, which has been paid, and that they did not present any bill for the \$3,500.

Mr. CHINDBLOM. Yes. They presented a bill for the \$3,500. This is what happened: They were employed for the purpose of suggesting and recommending to the War Department methods of improving the cost-accounting system at the Rock Island Arsenal. The larger amount was paid to them. When the

voucher came to the Comptroller General he raised a question as to whether it was in conflict with certain legislation in an appropriation bill with reference to using methods for inaugurating new or changing old methods of transacting the business of the Government under section 5 of the act of April 6, 1914, Thirty-eighth Statutes, page 335. The Comptroller General first refused to approve the voucher.

Mr. STAFFORD. He did approve the voucher for the amount of \$24,000.

Mr. CHINDBLOM. Which has been paid, the balance of \$3,500 still being unpaid. This voucher came through and he refused to approve that voucher and sent the matter to the Department of Justice. The Department of Justice sent the matter to the district attorney in Chicago with the suggestion that suit be brought to recover back the payment already made.

The district attorney demurred and said he did not think a good cause of action could be made for the recovery of the \$24,000. However, suit was brought and has been pending during all of these years. In 1923 I introduced a bill for the \$3,500. I have here, and will read, the report of the Secretary of War at that time.

Mr. GREENWOOD. Was not the objection of the Comptroller General in the beginning based on the fact that there was no authority to enter into this contract at all?

Mr. CHINDBLOM. That was one of the objections; but that question was settled by the court in the suit which was brought.

Mr. GREENWOOD. But the objection of the Comptroller General in the first instance was that there was no authority.

Mr. CHINDBLOM. I will say to the gentleman that the Comptroller General withdrew his objection and later O. K'd the payment.

Mr. GREENWOOD. That was on the first amount, but the Comptroller General has never O. K'd this amount, has he?

Mr. CHINDBLOM. The Comptroller General made the same objection to the \$3,500 as he made to the \$24,000.

Mr. ROMJUE. Why was not the \$3,500 included at the time the \$24,000 was paid?

Mr. CHINDBLOM. Because the \$3,500 was not yet due, and, therefore, the payment was postponed.

Mr. ROMJUE. Then, as I understand from the gentleman, the \$3,500 was accumulated under the same contract?

Mr. CHINDBLOM. Oh, yes.

Mr. STAFFORD. If the gentleman will permit, is the gentleman correct in his position that the \$3,500 claim was not due at the time they presented the \$24,000 claim?

Mr. CHINDBLOM. Yes; I am sure I am. It was subsequent work; it was additional work which the War Department required them to do under their contract and which amounted to \$3,500. On May 3, 1924, the Secretary of War sent a letter to the Hon. George W. Edmonds, who was then chairman of the Committee on Claims of the House of Representatives, from which I shall read the concluding paragraph:

In view of the fact that the present bill proposes to pay Haskins & Sells an additional sum for services rendered under a contract which, in the opinion of the Comptroller General, was entered into in violation of the law and which is now being considered by the Attorney General with a view of the recovery of the illegal expenditure, I do not recommend favorable action on the proposed bill.

On May 1, 1928, the Secretary of War wrote a letter to Hon. CHARLES L. UNDERHILL, at that time chairman of the Claims Committee of the House, in regard to a like bill which I introduced in the Seventieth Congress, in which he said:

A copy of the last report, which was addressed to you, is inclosed herewith, as it gives a brief résumé of the facts pertaining to this claim. You will note that at the time the report just mentioned was submitted an action was pending before a Federal court in Chicago, because of which this department recommended that favorable action on the bill be not taken at that time. Informal inquiry of the Department of Justice reveals that the action referred to has not yet been finally determined, and until such is effected it is recommended that action be not taken on the bill now under consideration.

In other words, since there was litigation then pending with reference to the payment of \$24,000 already made, the Secretary of War naturally would not recommend a further payment. I will say to the Members of the House that I held this bill off until this litigation had been settled in the district court at Chicago. The suit was tried there and ended, and the Government did not take an appeal. Therefore the matter is finally adjudicated and there only remains now the \$3,500, which is due under the same contract and on the same terms under which the \$24,000 was paid. In the present instance the letter from the Secretary of War states that there is no objection to the payment, and the concluding sentence of the letter from Secretary Hurley, dated February 14, 1930, is as follows:

In view of the circumstances outlined above, the War Department recommends favorable action upon the pending bill, subject to an amendment of the nature hereinbefore suggested if deemed advisable by your committee.

That amendment is the one which has been inserted by the committee and which is a recital of fact, namely, that this order of the Chief of Ordnance was confirmed by a procurement order executed on behalf of the United States under date of June 28, 1920, and accepted by indorsement of Haskins & Sells, dated June 29, 1920.

Mr. STAFFORD. The gentleman has elucidated all the difficulties I had in mind.

Mr. GREENWOOD. I have just one more question. Is the gentleman absolutely certain that these services were rendered by this firm after they submitted the statement of \$24,000, and that these were subsequent services? Is the gentleman absolutely certain about that himself?

Mr. CHINDBLOM. I know that at the time the statement for \$24,000 was submitted the item of \$3,500 was not due, and that when the payment of the \$24,000 had been made and the voucher came to the Comptroller General's office or to the General Accounting Office for audit, the Comptroller General disapproved the payment, and then the War Department refused to pay the balance of \$3,500.

Mr. GREENWOOD. But I understood the gentleman to say a while ago that the services amounting to \$3,500 were rendered subsequent to the \$24,000 statement.

Mr. CHINDBLOM. Yes.

Mr. GREENWOOD. The gentleman is certain of that?

Mr. CHINDBLOM. I am certain of that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Haskins & Sells the sum of \$3,500, in full payment for professional services rendered in making a study of the accounting system of the Rock Island Arsenal for the purpose of formulating recommendations of changes therein, and in the preparation of their report thereon, dated April 16, 1921, said work having been performed pursuant to an order of the Chief of Ordnance, United States Army, of May 18, 1920.

With the following committee amendment:

Page 2, line 1, after "1920," insert "which was confirmed by a procurement order executed on behalf of the United States under date of June 28, 1920, and accepted by indorsement of Haskins & Sells dated June 29, 1920."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALLEGHENY FORGING CO.

The next business on the Private Calendar was the bill (H. R. 2178) for the relief of the Allegheny Forging Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1572, be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to adjust and settle the claim of Allegheny Forging Co. for the amount due said company from the Metz Co. as a subcontractor under War Department contract No. 3639, dated April 16, 1918, which amount the United States agreed with the Metz Co. to pay said Allegheny Forging Co. in settlement agreement No. A-3639, dated June 17, 1919, but which amount was subsequently applied to an indebtedness of the Metz Co. under said settlement agreement, and to allow not to exceed \$345 in full and final settlement of any and all claims of said Allegheny Forging Co. arising under or growing out of said contract and settlement agreement. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$345, or so much thereof as may be necessary, for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The similar House bill was laid on the table.

CORRECTION OF NAVAL RECORDS OF CERTAIN OFFICERS AND SAILORS

The next business on the Private Calendar was the bill (H. R. 2388) for the correction of the naval records of officers and sailors who served on the *Harvard* and the *Yale* during the Spanish War.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. I object, Mr. Speaker.

Mr. CRAIL. Will the gentleman please state his reason for objecting?

Mr. COLLINS. Does the gentleman want to make a speech?

Mr. CRAIL. No; but I would like to get the bill through. It seems to me to be a very worthy measure.

Mr. COLLINS. I will reserve the objection, so that the gentleman can make a statement about it.

Mr. CRAIL. The officers and crew on these boats, the *Yale*, the *Harvard*, and the *St. Louis*, served during war time and under orders and under the command of naval officers. They were not mustered into the service until two months after they were actually in the Government service and under command of American naval officers. The equities of the case seem to be that they should be recognized as enlisted men and officers of the Navy. I sincerely trust that my colleague will withdraw his objection and permit this bill to pass.

Mr. COLLINS. However, at that time we had auxiliary services and these were civilian crews.

Mr. CRAIL. The Navy Department has approved the bill and has recommended its passage several times.

Mr. COLLINS. I do not think the bill ought to pass. It gives rights to these people I do not think they deserve.

I object, Mr. Speaker.

WILLIAM J. COCKE

The next business on the Private Calendar was the bill (H. R. 6473) for the relief of William J. Cocke.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object—and I think I shall object—there was no guaranty in this contract that has been violated on the part of the Government.

Mr. HOPKINS. Will the gentleman reserve his objection a moment?

Mr. GREENWOOD. Yes.

Mr. HOPKINS. The gentleman from Wisconsin [Mr. PEAVEY], who was chairman of the subcommittee that made this investigation, is not present at the moment. I will say that our subcommittee had two different meetings, each one running from three hours to five hours, on this one bill. We had Mr. Cocke and a number of other witnesses before the committee at the hearings and we made a very thorough investigation, and after looking into all the facts we made a unanimous report, and the report of the full committee was unanimous. The judge of the Court of Claims plainly states that this plaintiff has been badly treated. The United States Senate last year passed a bill carrying a considerable amount more of damages than this bill carries. The original claim was for something like \$300,000.

Mr. STAFFORD. Will the gentleman just give us the details as to the part of the contract wherein the Government was in default?

Mr. GREENWOOD. That is the point that is involved here.

Mr. STAFFORD. We do not care whether the claim originally was \$150,000 and then reduced to \$10,000 or \$5. Was there real merit in the claim?

Mr. HOPKINS. This man had a contract with the Government to take all of the garbage at these two camps. It was let by bids, and he was the lowest bidder. The contract required him to keep a sufficient number of hogs at the two camps in order to consume all of the garbage.

Mr. STAFFORD. Will the gentleman point out in the report where it is stated that he was required to keep a certain number of hogs?

Mr. HOPKINS. It is in the contract.

Mr. STAFFORD. Then the report lacks some of the essential facts, according to the gentleman's statement.

Mr. HOPKINS. This file was very thick, and we did not want to print all of the material. The committee held several meetings, but, as I say, the contract required him to keep hogs enough to consume the garbage. The committee found that to be the fact. Now these officers at the camps did not deliver the garbage; they diverted it and disposed of it elsewhere.

Mr. GREENWOOD. The Government knowing that there was a shifting of population that would make different quantities of garbage that might arise from time to time, fully protected itself against this situation, and I call the gentleman's attention to the

paragraph in the letter of the Secretary of War in which he states:

The principal contract in question contained a provision that nothing herein contained shall be deemed to impose any obligation on the part of the United States to guarantee the delivery of any specific quantity of garbage; it is not regarded that the terms of said contract have been breached by the United States.

Mr. HOPKINS. But these officers diverted it and sold it to somebody else.

Mr. GREENWOOD. But this claim is not against the officers; it is against the Government. This man knew that there was a shifting population in the camps and that there might be a diversion.

Mr. HOPKINS. Does the gentleman feel that the terms of the contract whereby the Government reserved the right not to deliver any stipulated amount was a reservation that the officers might sell garbage to somebody else?

Mr. GREENWOOD. Does the gentleman say that the money that came from the diverted garbage went into the United States Treasury as a result of being diverted by somebody that had no authority? Is the Government to be held responsible because somebody stole the garbage?

Mr. HOPKINS. The judge of the court of appeals said that the Government contracted to deliver the garbage and it did not deliver it.

Mr. STAFFORD. Your report says your committee felt that due to the terms of the contract this claimant was required to keep a certain number of hogs in order that all garbage might be disposed of, and was therefore forced to purchase corn at high prices to feed the hogs when the garbage was sold to other parties.

Mrs. LANGLEY. The fact is that there was a great deal of graft going on at that time, and this garbage was diverted and sold to people outside.

Mr. GREENWOOD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

HUGH S. GIBSON

The next business on the Private Calendar was the bill (H. R. 392) for the relief of Hugh S. Gibson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I reserve the right to object.

Mr. EVANS of California. Mr. Speaker, this was a trust fund held by the minister to Poland, Mr. Hugh S. Gibson, and this claim is due to the manner in which he was expected to keep the accounts. This matter has been thoroughly investigated by the State Department, and there are a number of other claims pending under the same terms.

Mr. COLLINS. If this gentleman has ability enough to act as a minister to Poland, he ought to have known the condition of the Polish mark. Everybody else knew it.

Mr. EVANS of California. There was nothing that he could do.

Mr. COLLINS. He could wire for instructions.

Mr. EVANS of California. That would not have taken the marks out of his hand. He had to invest this American money in these marks. He had them on hand, and when it came to settlement, there was no way of disposing of them except as he did dispose of them.

Mr. COLLINS. The report shows that he could have exchanged them for American currency. Mr. Gibson is rated as a sensible man. I feel I shall have to object.

Mr. EVANS of California. There is no excuse for that.

Mr. COLLINS. Mr. Gibson should have acted with more regard to the Government's welfare. Mr. Speaker, I object.

JACOB S. STELOFF

The next business on the Private Calendar was the bill (H. R. 1076) for the relief of Jacob S. Steloff.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jacob S. Steloff the sum of \$5,000 for damages suffered by reason of his wife, Mabel H. Steloff, being struck and fatally injured by a Government automobile which was driven by a regularly enlisted soldier of the United States Army.

With the following committee amendment:

Line 9, after the word "Army," strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect,

withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES P. SLOAN

The next business on the Private Calendar was the bill (H. R. 2587) for the relief of James P. Sloan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be authorized and directed to pay to James P. Sloan gratuity in the amount of \$324, on account of the death of his son, Andrew Jarvis Sloan, killed in line of duty on board the U. S. S. *Mississippi* on June 13, 1924.

With the following committee amendments:

Line 7, strike out the figures "13" and insert "12," and strike out the period after the figures "1924," insert a colon and the following: "Provided, That the said James P. Sloan establish to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, Andrew Jarvis Sloan, at the time of the latter's death."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AGNES LOUPINAS

The next business on the Private Calendar was the bill (H. R. 3187) for the relief of Agnes Loupinas.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have had difficulty in reconciling myself to a favorable consideration of this bill. I have studied it carefully. As I read the facts, and as they are stated in the report, the injury was directly traceable to the little girl jumping on a package mail box which happened to be turned over from its rightful position because somebody had jostled or kicked it over.

Mr. BACHMANN. The mail-box post had rotted at the bottom, so that the box had fallen down.

Mr. STAFFORD. The testimony of the inspector and others is to the effect that some person must have toppled it over. The little child, seeing the box in that position, jumped on it and suffered the fracture.

Mr. IRWIN. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. IRWIN. I think the gentleman will find that the inspector said that the post was rotten.

Mr. STAFFORD. The post held up the regular letter box, to which was also attached the package box. The testimony is uncontradicted that that was in that condition for some time, and that it would require some outward agency to topple over the package box. The package box was toppled over. Then the child ran onto it and suffered this fracture. The question is whether, with a package box lying on the ground not in its regular position, because a child of the neighborhood—and I am acquainted with the neighborhood out at Oakland and Clay Streets—playing around it jumped on the box and suffered an injury, there is any moral obligation on the part of the Government to reimburse the parent of the child.

Mr. BACHMANN. In answer to the gentleman's question, let me say that if this post holding this mail box had not been in a rotten condition, the box would not have been on the ground, and the Government is morally liable for permitting the post holding up its mail box to get in that condition. Is not that the cause rather than the cause being the fact that the box was lying on the ground?

Mr. STAFFORD. This post did not hold up the package box. It held up the regular letter mail box.

Mr. BACHMANN. And it was attached to the other box, so the report says.

Mr. STAFFORD. It does not follow necessarily that the package box toppled over because of the rusty condition of the post. In fact, the testimony is that it would require outside force to upset the box, even though the iron post had rusted away near the ground. Mr. Speaker, I object.

GUSTAV J. BRAUN

The next business on the Private Calendar was the bill (H. R. 3422) for the relief of Gustav J. Braun.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to Gustav J. Braun the sum of \$650.93 in full settlement of his claim on account of the loss, while he was in the American Expeditionary Forces, of baggage and personal effects stored under orders.

With the following committee amendment:

Line 6, strike out "\$650.93" and insert "\$389.92."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELMO K. GORDON

The next business on the Private Calendar was the bill (H. R. 3811) for the relief of Elmo K. Gordon.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Reserving the right to object, Mr. Speaker, I can not understand why the Government should be called upon to pay this man a salary while he was in jail in Mexico. If he has a claim, it should be taken up by the State Department with the Government of Mexico and let Mexico pay it. It is not a valid claim against the United States.

Mr. NEWHALL. The boy was put in jail on a trumped-up charge. It was proved to be such, and when he was released he came back and returned to the service.

Mr. COLLINS. Why not claim, for instance, that the firm of Sears, Roebuck & Co. was responsible?

Mr. NEWHALL. The United States Government could not be held legally responsible, but morally it is.

Mr. COLLINS. How?

Mr. NEWHALL. I think the Government ought to do justice to this boy. The boy has served the Government and I think is entitled to justice.

Mr. COLLINS. He is entitled to his pay and to any damage done him by the United States, but why should the United States pay him for a damage done him by the Republic of Mexico?

Mr. NEWHALL. But he was not in jail of his own volition.

Mr. COLLINS. Of course not.

Mr. IRWIN. I will say to the gentleman that this boy got into a little difficulty at Tia Juana, in Mexico. You know it does not take much to get a boy into difficulty. He was thrown into prison without any cause whatever.

Mr. COLLINS. May I ask who is responsible for the damages sustained by this boy? Surely not the United States. You could lay this claim with just as much justice against the Government of Great Britain. The United States did not have the boy arrested, so there was no damage done him by the United States. I object.

The SPEAKER pro tempore. Objection is heard.

SECOND LIEUT. BURGO D. GILL

The next business on the Private Calendar was the bill (H. R. 4469) for the relief of Second Lieut. Burgo D. Gill.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$54.75 to Second Lieut. Burgo D. Gill, in full settlement of damage to his car caused through collision with a Government team.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ALASKAN AERIAL SURVEY EXPEDITION

The next business on the Private Calendar was the bill (H. R. 3801) waiving the limiting period of two years in Executive Order No. 4576 to enable the board of awards of the Navy Department to consider recommendations of the awards of distinguished-flying cross to members of the Alaskan aerial survey expedition.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That that provision of Executive Order No. 4576 of January 28, 1927, prescribing conditions for the award of the distinguished-flying cross authorized by the act of July 2, 1926, which establishes a limiting period of two years from the date of the act or

achievement meriting the award for the initiation of a recommendation for such award, may be waived in the consideration of the existing recommendation of the following personnel of the Alaskan aerial survey expedition of the Navy: Lieut. Wallace M. Dillon; Lieut. Richard F. Whitehead; Lieut. Eugene F. Burkett; Radio Electrician Claude G. Alexander; Chief Aviation Pilot Thomas G. Reid; Patrick A. McDonough, chief photographer; and William J. Murtha, photographer, first class.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ANNA LOHBECK

The next business on the Private Calendar was the bill (H. R. 768) for the relief of Anna Lohbeck.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish the gentleman from Missouri [Mr. COCHRAN] would explain the bill.

Mr. COCHRAN of Missouri. This bill, Mr. Speaker, grows out of an accident to a lady who was boarding a street car in St. Louis being struck by an automobile driven by a soldier. The letter from the Secretary of War states the man was not on official business but the sworn statement of the soldier found in the court-martial proceedings, also in the report, shows that he was on official business and away from his post with the permission of his superior officer. Are you going to take the letter of the Secretary of War or the evidence given under oath by the soldier?

After careful consideration, the Claims Committee declares there was negligence on the part of the sergeant driving his car which was in the use of the Government.

Mr. STAFFORD. Will the gentleman permit a remark right there?

Mr. COCHRAN of Missouri. Yes; with pleasure.

Mr. STAFFORD. That statement is not in any wise confirmed by the report of the Secretary of War.

Mr. COCHRAN of Missouri. If the gentleman will refer to page 6 of the report he will see there an extract from the court-martial proceedings. The driver of the car was asked this question:

"Were you ordered to go to Jefferson Barracks for any kitchen utensils by anyone?" The answer of Sergeant Sturdivant was, "No, sir." But right under that he admits on cross-examination that he was instructed to go there that night and bring back some utensils for the kitchen range. He was driving on a wet pavement. He admits that he was going faster than the street car.

This lady was employed by Mrs. Frank Bishop as housekeeper on the day she was injured by the automobile. Her salary of \$50 a month has stopped, although Mrs. Bishop continued to furnish her board and room, but she was unable to carry on her regular work. Her foot is so deformed that she has to hobble about the house painfully. She has continued to suffer ever since. For the past six months she has been almost helpless. She is permanently injured.

I asked that she be paid \$5,000, but the committee reduced it to \$1,500. This is a case where a lady was injured by a man driving a car with an Army license.

Mr. STAFFORD. Let us discuss the facts as I glean them from the letter of the Secretary of War. Here is a sergeant who owns his own car—not a Government car, but his own car. He leaves the camp with permission, but not under orders, not on Government work, although that is controverted by the gentleman from Missouri. But the report of the Secretary of War says that it was not. Now we are called upon that when a warrant officer or a private in his own car takes a little joy trip to St. Louis and speeds up and has an accident, that the Government is called upon to reimburse all persons who suffer in consequence of an accident.

Mr. COCHRAN of Missouri. I know the gentleman always wants to be fair.

Mr. STAFFORD. I always try to be.

Mr. COCHRAN of Missouri. Here is the statement of the soldier at the court-martial which absolutely controverts the statement of the Secretary of War. The letter of the Secretary of War does not corroborate the evidence taken by the court-martial.

Mr. STAFFORD. The evidence does not show anything to justify the conclusion that Sergeant Sturdivant was on official business—traveling in his own private automobile, without any specific order from his military superior, to proceed to Jefferson

Barracks, Mo., for any purpose whatsoever—and that his trip on the date involved was taken solely upon his own initiative. I shall be obliged to object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

ALICE HIPKINS

The next business on the Private Calendar was the bill (H. R. 1063) for the relief of Alice Hipkins.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alice Hipkins, widow of S. Otho Hipkins, late filter engineer, United States Public Health Service, at Perry Point, Md., the sum of \$60 a month until her death or remarriage, as compensation for the death of said S. Otho Hipkins, resulting from chlorine gas poisoning sustained in the performance of his duties. Such payments shall be made through the Employees' Compensation Commission.

With the following committee amendment:

Strike out all after the enacting clause down to and including line 2 on page 2, and insert:

"That the provisions of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' as amended by the act of February 12, 1927, be, and the same are hereby, made to apply to Alice Hipkins, widow of S. Otho Hipkins, late filter engineer, United States Public Health Service, at Perry Point, Md., who died as a result of chlorine-gas poisoning while in the performance of his duties."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ESTATE OF KATHERINE HEINRICH

The next business on the Private Calendar was the bill (H. R. 1313) for the relief of estate of Katherine Heinrich (Charles Grieser and others, executors).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Reserving the right to object, this bill is reported adversely by the Secretary of the Treasury.

Mr. SMITH of Idaho. My colleague who introduced this bill is unable to be present on account of other official business, and requested me to present the facts to the House.

Mr. COLLINS. Then we would better let it go over?

Mr. SMITH of Idaho. I do not think that would be fair, because this is a very, very meritorious claim. It represents an overpayment by an estate of taxes to the Government of \$494.84, and the legislation is necessary as the statute of limitations applied 30 days before the actual application for refund was received at the collector's office, although the application was mailed nearly four years before, as evidenced by an affidavit from Mr. Orland, who is a very able and highly esteemed citizen and attorney of Moscow, Idaho. The application miscarried in the mails and did not reach the collector's office within the time required. While the Secretary of the Treasury indicates that it is contrary to the policy of the department to recommend legislation of this character, it seems to me it would be very unfair to deprive the estate of this money when the department admits a mistake was made in collecting the excess amount.

Mr. STAFFORD. Are there not many cases where a person fails to make a claim for back taxes and allows the statute of limitations to run against it and loses out?

Mr. SMITH of Idaho. It is possible; but in this case the evidence shows that the application was filed within the time required.

Mr. COLLINS. There are several of these claims on the calendar, and I have them all down for objection.

Mr. SMITH of Idaho. The statute of limitations claim is provided to speed up these claims, and it should not bar a meritorious claim under the circumstances.

Mr. STAFFORD. I wish to say that I had a case that I took up with the department where the department admitted it was a most meritorious claim, and yet they said there were hundreds and hundreds in the same situation. We will be deluged with these claims if some Member wishes to introduce private bills for each of them.

Mr. SMITH of Idaho. How can the Congress justify taking nearly \$500 from an individual or an estate which the department admits was erroneously collected?

Mr. BACHMANN. Regular order, Mr. Speaker.

Mr. COLLINS. I object.

E. P. McMANIGAL

The next business on the Private Calendar was the bill (H. R. 10117) authorizing the payment of grazing fees to E. P. McManigal.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I want to ask the author of this bill if the bill does not provide for fees to be paid out of money generally, and should it not be paid out of some Indian fund, for whose benefit this grazing was furnished?

Mr. WILLIAMSON. These services were performed for the benefit of the Rosebud Sioux Indians, but the Committee on Indian Affairs, as well as the Department of the Interior and the commissioner, are of the opinion that this should be paid out of the general fund, as provided.

Another thing, these cattle were in payment for land which had been ceded to the Government by the Sioux, and it was the duty of the Government to take care of these cattle until they were ready to be issued to the Indians. It was not the duty of the Indians to take care of them. These were cattle bought by the Government and held for issue purposes, and they were issued from time to time and slaughtered as the Indians required them. It was not the duty of the Indians to maintain the cattle. It was the duty of the Government to maintain them until such time as they should be required by the tribe for food purposes.

Mr. GREENWOOD. I think the gentleman should ask for an amendment reducing the amount recommended by the committee.

Mr. WILLIAMSON. I think that would be very, very unfair in this case. Mr. McManigal was offered \$275.50 in settlement for this claim and he refused to take it. He has waited for 20 years for a settlement which everybody admits should have been made when the services were rendered. He is not asking any interest on it. The Committee on Indian Affairs was unanimously of the opinion that he should have the full amount of the claim. The Indian Bureau is willing to allow \$1 a month per head for the winter months, but arbitrarily limits that period to five months. Anybody who knows anything about South Dakota knows that the winter often extends over a much longer period than that for cattle grazing and feeding purposes. At this late date, the least we should do is to pay the full amount, especially where no interest is insisted on.

Mr. GREENWOOD. The statement of the gentleman is very persuasive, and I will not argue with him about \$100, if he is satisfied the claim has merit in it.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. P. McManigal, of St. Charles, S. Dak., the sum of \$390 as settlement in full of all amounts due him for the pasturing of beef cattle sent out by the Rosebud (S. Dak.) Indian Agency for issue to the Indians of the Ponca district during the years 1909 to 1914, inclusive.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIEUT. S. JACOBS

The next business on the Private Calendar was the bill (H. R. 1135) for the relief of Lieut. S. Jacobs, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I would like to hear from the gentleman from South Carolina, because I think I am going to object to this bill.

Mr. McMILLAN. This bill seeks to give relief to Lieutenant Jacobs and a number of other officers whose goods were on this lighter of the Government which was destroyed a number of years ago in Chesapeake Bay. The gentleman will find in the report from the Navy Department that these various items have been carefully checked by the claims board of the Navy, and he will furthermore find in the report from the Navy Department a reference to a bill that was passed a number of years ago. I think in the Sixty-eighth Congress, under which Admiral Jayne, whose goods were also on this lighter, was paid in full for the loss he sustained. These other men, whose claims are involved in this bill, were men who were lower in rank and who probably needed the money for the loss they sustained a great deal more than the admiral needed it. However, the fact is that Congress has already recognized the claim of Admiral

Jayne and it only seems fair that in this case these men should be reimbursed for the goods which were destroyed through no fault of their own but through the fault of an officer of the Navy Department.

Mr. COLLINS. But the gentleman is aware of the fact that all of these persons have already received \$1,000.

Mr. McMILLAN. That is true.

Mr. COLLINS. On account of this one accident.

Mr. McMILLAN. That was an arbitrary act passed by Congress some years ago allowing these claims.

Mr. COLLINS. I think they have received enough.

Mr. McMILLAN. I hope the gentleman will not object.

Mr. COLLINS. Mr. Speaker, I will have to object.

RELINQUISHMENT OF CERTAIN LANDS TO THE CITY OF RUPERT, IDAHO
The next business on the Private Calendar was the bill (H. R. 9987) to provide for the relinquishment by the United States of certain lands to the city of Rupert, in the county of Minidoka, in the State of Idaho.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to relinquish to the city of Rupert, in the county of Minidoka, in the State of Idaho, all of its right, claim, or title to the following-described land in the Government town site of Rupert on the Minidoka reclamation project: Beginning at the northeast corner section 29, township 9 south, range 24 east, Boise meridian; thence south 6' west 21 $\frac{1}{2}$ ' feet along the section line; thence south 45° 22' west along the Oregon Short Line Railroad right of way 3,730 $\frac{1}{2}$ ' feet to a point on the east and west center line of said section 29; thence south 89° 56' west along said center line 114 feet; thence north 45° 22' east 3,891 $\frac{1}{2}$ ' feet to a point on the section line between sections 20 and 21; thence south 6' west along said section line 91 $\frac{1}{2}$ ' feet to the point of beginning, as shown on the official plat of the town site of Rupert, Idaho, containing 7 acres.

With the following committee amendments:

Page 1, line 4, strike out the word "relinquish," and insert the word "quitclaim."

Page 1, line 5, after "Idaho," strike out all down to and including the word "project," in line 7, and insert "all of the right, title, and interest of the United States in or to that certain tract of land in the Government town site of Rupert on the Minidoka reclamation project, more precisely bounded and described as follows."

Page 2, line 17, after "Idaho," insert the words "said tract of land," and in the same line, after the word "acres," insert the words "more or less."

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I notice that the chairman of the Committee on Irrigation and Reclamation is in the Chamber, and I would like to ask what the policy of his committee is with reference to giving lands of the Government to individuals and municipalities, in this instance to a municipality, without any payment whatsoever, when the law requires them to be sold at public auction?

Mr. SMITH of Idaho. This is not public land; this is land within a Government reclamation project that has been turned over as a Government town site on a reclamation project. The farmers themselves own the canals, and improvements are paid for by the settlers. It has nothing to do with the public domain in any sense of the word.

Mr. STAFFORD. Yet the law prescribes that the lands are to be sold at public auction.

Mr. SMITH of Idaho. That is true; because of the fact that by selling the lots in these town sites at public auction they bring an income to the project, in which all the farmers benefit. Less than an acre of land is involved, and it can not be used for any other purpose than as a street. The Reclamation Service has abandoned it for use as a canal. It simply turns it over to the city for the benefit of those on the project, who are the owners of the project.

Mr. STAFFORD. Mr. Speaker, I have no further inquiries to make.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DELIVERY TO THE CITY OF OLYMPIA, STATE OF WASHINGTON, OF THE SILVER SERVICE SET AND BRONZE TABLET IN USE ON THE U. S. CRUISER "OLYMPIA"

The next business on the Private Calendar was the bill (H. R. 4206) authorizing the Secretary of the Navy, in his discretion,

to deliver to the custody of the city of Olympia, State of Washington, the silver service set and bronze tablet in use on the U. S. cruiser *Olympia*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, on yesterday we had a similar bill under consideration, providing for the loaning of some of the belongings of the cruiser *St. Louis* to a patriotic memorial association of the county in which *St. Louis* is situated. Here we have a proposal to transfer the silver-service set originally on the U. S. cruiser *Olympia* to the custody of the city of Olympia. The Navy Department reports adversely on the ground that there is a movement on foot throughout the country—and such a bill has been favorably reported—to have the cruiser *Olympia*, which has quite a war record, anchored here in Washington for inspection by the public as a historical war relic of the war of 1898. I really think if we are going to have the cruiser *Olympia* anchored in the city of Washington for inspection purposes, we should not act hastily in transferring this silver-service set. Furthermore, the Navy Department, as the gentleman from Washington well knows, had stated in numerous reports that they wish to use these silver-service sets on other cruisers, and as there is a demand on the part of the service for these sets, I would like to hear from the gentleman from Washington.

Mr. MILLER. Mr. Speaker, the silver set contributed by the city of Olympia, in the State of Washington, to the cruiser *Olympia* is now being used on the *Saratoga*. It was the desire of the donors of that silver set to have it returned to them and placed in the State capitol of the State of Washington until such time as another cruiser should be constructed bearing the same name.

The cruiser *Olympia* is now out of commission and has been out of commission for some 10 or 12 years, tied up in the Philadelphia Navy Yard, with an order of the Navy Department that it be scrapped and sold.

A movement was started to bring this vessel to the city of Washington and install it here on the water front as a memorial of the Spanish War so it could be seen by the visitors to this city. The Commissioners of the District of Columbia do not take kindly to this idea. The maintenance of the ship here would entail a very substantial expense on them, and while the Committee on Naval Affairs has reported favorably on the bill, there is objection from the District of Columbia.

This silver set, without any consultation with the donors or anything of the kind was transferred from the *Olympia* to the *Saratoga*. The people of *Saratoga* and the State of New York have not been equally liberal in donating a silver set for the very handsome vessel, the *Saratoga*, the greatest airplane carrier this country has.

I will accept the gentleman's suggestion that instead of turning this over to the city of Olympia, it be loaned to the city of Olympia in accordance with similar action taken on the silver set aboard the cruiser *St. Louis*.

Mr. STAFFORD. Mr. Speaker, I am much impressed with the statement of the gentleman from Washington that this is only intended as a temporary transfer, and that the people of the city of Olympia are willing, should any other vessel be put into commission bearing the name of that city, to have the set transferred to the new vessel, and with the acceptance by the gentleman of the proposed amendment, I have no objection.

Mr. MONTAGUE. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MONTAGUE. I simply want to make the suggestion that when these silver services are given by the different cities or States, they are impressed with a trust for a particular use, and that trust is defined by the name of the ship, and to put them upon any other ship is an abuse of the trust.

Mr. MILLER. I think so.

Mr. MONTAGUE. And it is not right for the Government to do this.

Mr. MILLER. I agree with the gentleman from Virginia.

Mr. MONTAGUE. It is rather a moral or social breach of trust.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the city of Olympia, State of Washington, for preservation and exhibition the silver service set and bronze tablet which were in use on the U. S. cruiser *Olympia*; *Provided*, That no expense shall be incurred by the United States for the delivery of such silver service set and bronze tablet.

With the following committee amendment:

Page 1, line 6, strike out the words "and bronze tablet which were" and insert the word "formerly"; page 1, line 9, strike out after the word "set" the words "and bronze tablet."

The committee amendment was agreed to.

Mr. MILLER. Mr. Speaker, conforming with the suggestion of my colleague from Wisconsin, I offer an amendment, page 1, line 4, strike out the words "deliver to the custody of" and insert in lieu thereof the words "loaned to."

The SPEAKER pro tempore. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MILLER: Page 1, line 4, strike out the words "deliver to the custody of" and insert in lieu thereof the words "loaned to."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

LAURIN GOSNEY

The next business on the Private Calendar was the bill (H. R. 2222) for the relief of Laurin Gosney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,500 to Laurin Gosney to reimburse him for physical injury sustained due to the careless operation of a United States Army truck, Ross Field, Arcadia, Calif.

With the following committee amendment:

Page 1, line 5, strike out "\$7,500" and insert in lieu thereof "\$3,000."

The SPEAKER pro tempore. Without objection, the committee amendment will be agreed to.

Mr. ROWBOTTOM. Mr. Speaker, I have an amendment.

Mr. CRAIL. Mr. Speaker, I rise in opposition to the committee amendment.

Mr. ROWBOTTOM. Then, Mr. Speaker, I object to the bill.

Mr. STAFFORD. O Mr. Speaker, there is a distinct understanding here that in the consideration of the Private Calendar persons who are not willing to accept the bill as reported must make known their position before the objection stage has passed.

Mr. CRAIL. Mr. Speaker, I know of no such rule. I would like to have the gentleman cite the rule to me.

Mr. STAFFORD. Then we will have to have a quorum here on the passage of this bill. That has been the unwritten order of the House for the past quarter of a century or more.

Mr. CRAIL. Mr. Speaker, I am earnestly opposed to this committee amendment, and I would like seriously to present it to the House.

The SPEAKER pro tempore. Inasmuch as the Chair stated the amendment would be agreed to without objection while the gentleman was on his feet apparently attempting to object and the Chair did not understand the gentleman, with the consent of the House the proceedings with respect to agreeing to the committee amendment will be vacated.

The question now is on the committee amendment.

Mr. CRAIL. Mr. Speaker, I rise in opposition to the committee amendment.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. CRAIL. Mr. Speaker, as I have said, I want the earnest consideration of the House on this matter, because I think a very grave injustice is being done here by the Government of the United States.

When I say that, I make no criticism of the Committee on Claims, because I know that they are trying to do the best they can to protect the Government.

Here is a case where the Government was wholly at fault. Laurin Gosney was a young man in the prime of manhood, 6 feet tall, and in perfect health, earning \$200 a month. This accident was the direct result of the negligence of an employee of the United States Government.

Mr. BACHMANN. That does not seem to be controverted here. What was the extent of the man's injuries?

Mr. CRAIL. A board of three Army officers, a major and two lieutenants, six months' after this injury occurred, before his

leg was amputated and when it was hoped the leg could be saved, after calling attention to his unfailing cheerfulness, his hopefulness of getting well instead of trying to make out a case for damages, reported as follows:

After careful consideration and investigation of all testimony, the members of the board found that Mr. Gosney became injured as a result of an accident due to the carelessness of a soldier driving a Government truck.

At that time his leg had not been amputated. For two years this man struggled along, trying to save the leg. Of course, he could not earn a dollar during that time, but he was receiving \$20 a month employees' accident insurance, which did not pay his expenses, much less his doctor's bills. The Government did not pay any part of this \$20 per month.

Two years after the accident he had to have the leg cut off below the knee. Since that time he has never been able to earn more than \$100 a month, and he can find employment only a small part of the time.

I do not believe that the Government of the United States is so parsimonious that it is willing to let an injustice of this kind be done. If the claim was against a private corporation, or if he had the right to bring a lawsuit against the Government of the United States he would get a very much larger sum than we ask for. The original claim was for \$15,000, and that is none too much for an injury of this kind, but we made this claim for \$7,500.

Mr. ROWBOTTOM. Will the gentleman state how many injured men get a minimum of \$5,000 in California? Awards for death do not exceed \$5,000.

Mr. CRAIL. You can not compare a permanent injury with a death so far as the amount of recovery is concerned, for when a man is dead his suffering is over but when he is permanently injured he has to suffer throughout the rest of life. The period of a man's suffering ends with his death. This man's suffering was tremendous.

Awards for permanent injuries exceed awards for death in every jurisdiction. Awards for death are usually restricted to probable savings during the average expectancy of the deceased's life. Awards for permanent injuries include, and rightly include, compensation in money for pain and suffering throughout life, loss of earnings throughout life, hospital and medical bills and expenses resulting from the injury. Fifteen thousand dollars would be none too large for Laurin Gosney on account of damages suffered by him as the direct result of the negligence of an employee of the Government acting within the scope of his authority. With an expectancy of 30 years and a loss in earning power of more than \$1,200 a year, the award should be nearer \$40,000, and this does not take into consideration compensation for pain and suffering or medical bills and expenses which are the direct result of the injury which he received at the hands of the Government.

Our Government can well afford to and should set the good example by liberally compensating those who suffer misfortunes at its hands. A rich, generous, and just Government should not fall back on the barbarous and antiquated doctrine that the Government can do no wrong. The Government has wronged Laurin Gosney. He has waited patiently for more than 10 years for that generous and just Government to make restitution. His loyal wife has worked by his side trying to keep the wolf from the door. My colleagues, now is a time to be fair and to do right.

I filed this claim, not for \$15,000 but for \$7,500, thinking the Government would be glad to pay \$7,500, but the committee has reduced it to \$3,000. I think, my colleagues, that this committee amendment should be voted down and that the Government should be glad to give this man \$7,500.

Members of the committee have justified this amendment cutting the award to \$3,000 by the statement that they have a schedule of amounts allowable for different injuries, and that they have awarded the maximum sum which they award for an amputated leg. I am not condemning the committee. I would not criticize the committee. They are hard working, faithful, public servants. But our Government has outgrown such a narrow, penurious, and close-fisted rule as that. Times have changed. The purchasing power of a dollar has shriveled until it bears little relation to the purchasing power of a dollar when this musty and time-worn schedule was adopted.

Mr. Speaker and my colleagues of the House, I plead with you, vote down this committee amendment and pass the bill allowing \$7,500, as provided in the bill.

Mr. IRWIN. Mr. Speaker, ladies and gentlemen, I rise in support of the committee amendment. Your Claims Committee reduced this sum to \$3,000.

We must have some yardstick, some kind of a measure for the men, women, and children who have lost a limb. Your

committee has a policy of allowing \$2,500 for a person who has lost one limb. We do not doubt the liability, but the policy of the committee has been not to pay more than \$2,500 for the loss of a limb.

Now, it would be an injustice to dozens of others where bills have been introduced for injuries in the loss of a limb if we paid the amount claimed in this bill.

We did go a little further than ordinarily we would, and allowed this man \$3,000. We had this matter up in executive session and went into the merits of it thoroughly. While we sympathize with any man, woman, or child who has lost a limb through the fault of anybody, your committee has to have a certain policy, a certain yardstick, and we must adhere to it or do injustice to others.

Mr. BOX. Mr. Speaker, I rise in support of the committee amendment. The practice of the committee has been in these cases to allow a certain sum. In this particular case the award made, I think, is proportionate to the award made in other cases, just as stated by our chairman. Moreover, may I say in this connection that while I do not believe the gentleman is cut off from resisting this committee amendment, I do believe that it is unwise for us to have controversies on committee amendments of this kind after the time for objection is passed. We will not be able to proceed probably farther to-day if this question is permitted to defeat the action of the committee—not that the gentleman from Texas will interpose anything that will block it, but I know the attitude of other Members. I feel it would be unfortunate if this committee amendment should not be adopted.

The SPEAKER pro tempore (Mr. MAPES). The question is on the committee amendment.

The committee amendment was agreed to.

Mr. ROWBOTTOM. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. ROWBOTTOM: At the end of the bill insert: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HOMER ELMER COX

The next business on the Private Calendar was the bill (H. R. 2645) for the relief of Homer Elmer Cox.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated not to exceed \$147.73, to reimburse former Coxswain Homer Elmer Cox, United States Navy, for losses of clothing and other personal effects sustained by him when the U. S. S. *San Diego* was sunk off Fire Island Light on July 19, 1918: Provided, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Navy and upon vouchers to be approved by him.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DR. J. T. WOOD

The next business on the Private Calendar was the bill (H. R. 9398) for the relief of Dr. J. T. Wood.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, it seems to me that persons in the Army and the Navy and in other Government positions should do like the rest of us and carry fire insurance and not expect the Government to carry it for them. That is an expense that every other public officer and every citizen has to bear at his own expense. I see no reason why the Government should carry this expense for a select few.

Mr. IRWIN. I do not know what the policy is with the officers of the different establishments in the matter of carrying insurance on personal property. This man is a doctor, and as a

rule these men are changed around from one place to another. It would be pretty hard to carry insurance.

Mr. COLLINS. If we are going to protect one public officer in his property rights against fire, we ought to include them all. There is no reason for selecting arbitrarily one class and saying that we will protect their property against fire and not protect the property of the rest of us.

Mr. GREENWOOD. Did this fire occur in his private apartment on Government property?

Mr. SIMMS. On Government property in February, 1929.

Mr. GREENWOOD. The report refers to his apartment.

Mr. SIMMS. His apartment in the barracks.

Mr. GREENWOOD. I think I agree with the gentleman from Mississippi that a fire that occurred in the barracks ought to be covered by insurance carried by the soldier himself.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

LIEUT. JOHN R. BAILEY

The next business on the Private Calendar was the bill (H. R. 593) for the relief of First Lieut. John R. Bailey.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I notice the report of the Secretary of War is against the payment of this claim. He says in his letter of January 28, 1930:

Inasmuch as the loss was due to the failure of Lieutenant Bailey to properly protect the interests of the United States, and his failure to efficiently perform his duties as an officer, it is recommended that the proposed legislation be not given favorable consideration.

Mr. MICHENER. Has the gentleman read the full report of the committee?

Mr. GREENWOOD. I looked over the report pretty thoroughly. What is there to refute what the Secretary of War says about his responsibility?

Mr. MICHENER. The purpose of this proposed legislation is to reimburse First Lieut. John R. Bailey, Quartermaster Corps, in the sum of \$1,438.50, public funds embezzled in October, 1924, by a former soldier, and for which Lieutenant Bailey was technically responsible while acting as commissary officer, Fort William McKinley, P. I.

On December 1, 1923, Lieutenant Bailey assumed command as post property officer at Fort William McKinley, P. I. As such property officer Lieutenant Bailey had charge of the receipt, storage, and issue of all quartermaster supplies and materials, as follows: General supplies, clothing and equipage, cold storage, sales commissary, ice sales and distribution. Fuel—coal, shipments from Manila; charcoal, inspection and receipts delivered by civilian contractor, issue, and distribution; wood—receipts, inspection, and measurement of wood delivered by civilian contractor, this in all cases given personal attention. Forage—hay, grain, and so forth, from Manila and civilian contractor, its storage and issue to organizations; green forage, deliveries by civilian contractors and issues to organizations. Warehousing, carried on in scattered buildings. Stock record section.

This garrison was made up of 52 different organizations, with a personnel of upward of 5,000 men. The property over which Lieutenant Bailey had control was stored in different warehouses and buildings, and the cold-storage plant was situated about one-half mile distant from the principal quartermaster warehouses.

Under the Army Regulations Lieutenant Bailey was presumed to have personal charge of all these details and was presumed to personally check in and out all supplies and equipment, including clothing, meats, ice, fuel, forage for the animals, and the other things incident to carrying on an Army garrison of this size. This work was carried on with no commissioned assistance.

It is in connection with the sales commissary that this embezzlement was accomplished. The sales commissary was a large retail store situated on the post, from which were issued and sold all the food supplies, rations, and so forth, used by the garrison, and the families of the officers and enlisted men living on the post, as well as families of civilian employees and others who were authorized to make purchases from the sales store. Approximately 9,000 people were fed from this store.

When Lieutenant Bailey assumed command on December 1, 1923, Sergt. John Beusch was the cashier in charge of the commissary. Sergeant Beusch was not appointed to this position by Lieutenant Bailey but was performing the duties of cashier when the responsibility of the commissary was turned over to Lieutenant Bailey, and he continued the operation of the commissary the same as had been the custom in the past.

Lieutenant Bailey reported for duty each morning at the commissary at about 7 o'clock and his work at the post required much night work in order to in any way perform the duties required of him.

Articles were sold from the commissary by the cashier for cash, also charge accounts were carried, and under the regulations all charge accounts were obliged to be liquidated between the 1st and 10th of each month. The approximate amount of charge items settled for during the first 10 days of each month was \$10,000.

Sergeant Beusch, the cashier, was provided with a safe, also with \$100 in cash to be used in making change. The commissary closed for sales each day at 11 o'clock a. m. Proper blanks provided by the regulations were filled in and the books for the day's work were completed daily, this requiring about four hours' time after the closing of sales. Under the regulations Lieutenant Bailey was responsible for the handling of these funds by Sergeant Beusch, and Lieutenant Bailey under the regulations was required to turn over to the finance officer of the post each day's cash receipts. This was presumed to be done on the same day on which the money was paid in. As a matter of fact, the finance office closed early in the afternoon, and it was impossible for Sergeant Beusch to fill out the proper blanks and audit his books in time for Lieutenant Bailey to deliver these funds to the post finance officer before that office closed for the day. Therefore, each day's receipts were checked up by Sergeant Beusch, the books were completed, and the money was placed in the safe until Lieutenant Bailey reached the post at about 7 o'clock the following morning, at which time the proper forms, in triplicate, together with the receipts were turned over by Sergeant Beusch to Lieutenant Bailey and by Lieutenant Bailey delivered to the finance officer, and one of the blank forms receipted and kept by Lieutenant Bailey as his receipt. This was the customary and usual procedure when Lieutenant Bailey took charge, and worked satisfactorily until October, 1924.

On the morning of October 10, 1924, Lieutenant Bailey reported at the commissary at 7 o'clock in the morning. Sergeant Beusch had not appeared, and it was later found that he had departed the camp after completing his work on October 9. Upon his failure to return Lieutenant Bailey started a search for him, and it was found that he had become intoxicated, had been at various saloons and road houses, and he was arrested and returned to the post on October 14, 1924. Lieutenant Bailey immediately checked up accounts and found that there was a shortage, and requested an investigation by the proper authorities of the Army. Maj. Franklin Babcock, inspector general, was ordered to make an investigation, and under date of December 13, 1924, filed his report, a copy of which is on file in the committee. It was found by this investigation that on October 2, 3, 4, and 6, Sergeant Beusch did not turn over to Lieutenant Bailey all of the cash which he had collected on outstanding accounts during those days, and that there was a shortage of \$1,838.28.

Sergeant Beusch was tried by court-martial for this embezzlement and was sentenced to be dishonorably discharged and to be confined in the penitentiary for five years. Lieutenant Bailey was the responsible officer and the amount of Sergeant Beusch's embezzlement, less \$399.78, which was due Sergeant Beusch at the time of his discharge, was deducted from Lieutenant Bailey's pay, and he was therefore obliged to pay from his personal funds the amount embezzled by Sergeant Beusch. This order was made because under the regulations Lieutenant Bailey was presumed to count the cash receipts each night and check up with the amount of money paid in as shown by the collection book. It was a physical impossibility for Lieutenant Bailey to do this and perform the other duties of his office at the time. No fault is found by anyone with the conduct of Lieutenant Bailey in this matter, other than that he did not check up as provided by the regulations. This was a case where an enlisted man, not under bond, was required to handle Government money for which some one else was technically responsible, and the technical responsible party, although in no way to blame, has been called upon to make good the shortage of Sergeant Beusch.

Major Babcock, the inspector general, in his written report to the War Department, concluded as follows:

(a) That the loss of funds was occasioned by the dishonesty of Technical Sergeant Beusch.

(b) That it was not practical for Lieutenant Bailey to make the collection on charge accounts in person, and, as stated, there is no practical way of checking the amounts received by the cashier until the expiration of the 10-day collection period.

(c) That the loss of collections was due to no fault or neglect on the part of the accountable and responsible officer.

(d) That the loss of cash, held on memorandum receipt for change, could have been avoided by taking up same daily at the close of business.

And made the following recommendations:

(b) That action be taken by the War Department to effect the relief of First Lieut. J. R. Bailey, Quartermaster Corps, from accountability in the amount of \$1,838.28, pertaining to "Subsistence of the Army," September, 1924, sales commissary, Fort William McKinley, P. I.

(c) That instructions be issued by the War Department requiring officers in charge of sales commissaries to make collections on charge sales in person during the first 10 days of each month, or secure a suitable bond for the cashier making such collections.

It would seem that this officer should be reimbursed.

Mr. GREENWOOD. I understand the loss occurred because this man in charge of the post commissary embezzled the funds, and this is to relieve the man over him, Lieutenant Bailey, from this responsibility.

Mr. MICHENER. Yes.

Mr. GREENWOOD. Of course, the Secretary of War recommends that the legislation be not passed, but if the gentleman thinks the duties were so extensive that Lieutenant Bailey could not keep a check on this man that was under him, and that there was no way in which he could avoid the loss, I am willing to withdraw my objection.

Mr. MICHENER. My contention is that the report shows it was physically impossible and the inspector so found.

Mr. GREENWOOD. How much was Lieutenant Bailey handling? What was the extent of his duty?

Mr. MICHENER. The book accounts during the first 10 days of the month amounted to something like \$10,000. I do not know the amount of the money during the entire period of the month; that is, the cash payments.

Mr. GREENWOOD. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the accounting officers credit the account of First Lieut. John R. Bailey, Quartermaster Corps, United States Army, in the sum of \$1,838.28 public funds, to wit, embezzled by Technical Sergt. John Beusch, Quartermaster Corps, United States Army.

With the following committee amendment:

Line 5, strike out "\$1,838.28" and insert "\$1,438.50."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. JAMES FLOYD TERRELL

The next business on the Private Calendar was the bill (H. R. 596) for the relief of Lieut. James Floyd Terrell, Medical Corps, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BACHMANN. May I inquire of the gentleman from Virginia [Mr. MONTAGUE] whether any of this property which was destroyed was insured?

Mr. MONTAGUE. It was not.

Mr. BACHMANN. I just wanted to inquire whether there was any insurance.

Mr. MONTAGUE. There was none whatever.

Mr. BACHMANN. Would the gentleman object to the usual provision as to attorneys?

Mr. MONTAGUE. Not at all.

Mr. STAFFORD. Does the gentleman think it good governmental policy that we should insure property of officers of the Army and Navy? If any personal property held by ourselves here while serving in an official capacity is destroyed, none of us would have the temerity to come to Congress and ask for reimbursement. We carry insurance on our own furniture and personal belongings. Why should the Army and Navy be exempt?

Mr. MONTAGUE. Will the gentleman permit me to answer?

Mr. STAFFORD. Certainly. That was the purpose of my question.

Mr. MONTAGUE. I will not go into the question of insurance. That is not involved here. This man was, by virtue of his duties, unable to save his own property at the fire. He was on duty at the time, and he could not go to his property to save it.

Mr. STAFFORD. Could not the officer carry insurance on his own property, his books, his medical books, and the like? Army

and Navy officers should not be encouraged to say, "That the United States Treasury is a fruit basket which is always available with choice fruit." You know all these men look forward to the time when they will be retired on three-fourths pay. I think this is a bad precedent to set. I object.

The SPEAKER pro tempore. Objection is heard.

THOMAS H. DEAL

The next business on the Private Calendar was the bill (H. R. 648) for the relief of Thomas H. Deal.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GREENWOOD. Reserving the right to object, Mr. Speaker, perhaps the postmaster himself might have been responsible for this loss. What does the gentleman from Alaska [Mr. SUTHERLAND] say about that?

Mr. STAFFORD. Perhaps the reason why he was robbed so frequently was the fact that he had the combination to his safe in a public place, which served as a suggestion to persons who might have wished to purloin the postal revenues by gaining access to the safe.

Mr. SUTHERLAND. This man has suffered under the stigma of having robbed his own safe. He has suffered that stigma for a number of years. A quantity of Liberty bonds were taken when this robbery took place, and later it was found that they had been carried to San Francisco and sold there. Later it was found that they were sold by the same man who had robbed the post office. The postmaster was a little careless, I will admit, but the record made by the Post Office Department was made while this man was under surveillance and under suspicion. The Post Office authorities and some of the local population imputed to this man the crime of robbing his own post office.

I may say that he is a fine old-fashioned gentleman from South Carolina. It has grieved him very much to think that the people of his own town entertained that suspicion.

Mr. GREENWOOD. If the gentleman knows that of his personal knowledge, and assures us that the guilty person was later arrested in San Francisco, I shall have no objection.

Mr. STAFFORD. But the gentleman has not removed from my mind the impression that this postmaster left his keys in a public place where anybody who might want to use them could do so.

Mr. DOXEY. Mr. Speaker, I do not wish to prolong this discussion, but I made this report, and I assert that the record does not show that the keys were left out in the manner indicated by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. I was speaking in hyperbole, you understand.

Mr. DOXEY. The ground for the accusation against this man was that on one occasion he had a slip setting out the combination of the safe exposed on his desk, and while he was looking at it some outsiders came in and looked at it on his desk.

Mr. STAFFORD. Let me read from page 3 of the report, which states that—

Former Postmaster Deal was negligent in safeguarding the public funds, as indicated by the fact that he kept a slip of paper containing the combination of the safe in a drawer in the upper portion of his roll-top desk in the post office beside the safe, and used this paper on numerous occasions, both day and night, in unlocking the safe.

I really think this gentleman, no matter how aged he may be or may have been, was guilty of practices that are not becoming to good business conduct.

I am obliged to object.

The SPEAKER pro tempore. Objection is heard.

ORANGE CAR & STEEL CO., OF ORANGE, TEX.

The next business on the Private Calendar was the bill (H. R. 8169) for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Shipbuilding Co.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GREENWOOD. Owing to the fact that \$190,000 is involved here, I suggest that this bill ought not to be passed by unanimous consent. I will object.

Mr. BOX. Will the gentleman be good enough to reserve his objection?

Mr. GREENWOOD. I will reserve it, but I will withhold it.

Mr. BOX. I think if the gentleman could find time to familiarize himself with the record in this case he would not object.

I grant you that this claim arises out of a complicated state of affairs. I very much regret that the circumstances permit only this hasty consideration.

This claimant has been trying for years to get its rights adjudicated. Moreover, in the partial settlement made between the Government and this claimant or its predecessor in right, the existence of this claim was expressly recognized. I read from the reservation:

Excepting only the right, if any, it has to prosecute its alleged claim for amortization, dredging, and removal of outboard ways to an amount not exceeding \$176,665.42.

The gentleman will find that on page 28 of the report, near the bottom.

All that the claimant is asking is that it may go into the Court of Claims and have that very element which was expressly reserved adjudicated—that and nothing else.

Mr. STAFFORD. Will the gentleman yield?

Mr. BOX. I do.

Mr. STAFFORD. This contractor, under the original contract for building five hulls, was relieved of responsibility on the showing that it was a harsh contract. All of these contracts arose out of matters connected with the war during war times.

The point I wish the gentleman to direct his reply to is that thereafter he had full opportunity to go into the Court of Claims and have his rights adjudicated. Why did he not do so?

Mr. BOX. The gentleman is in error as to the claimant in this case having sought relief from a former contract or neglected its demand. The situation with reference to his right to litigate that question was barred by elements which I am not able to make plain at this time, but I am quite sure that the claimant has never had an opportunity to litigate this very question. It sought and obtained counsel. It has time and again consulted with competent attorneys; it has again and again consulted with its Representative in Congress, and has again and again sought to have its claim adjudicated, and is bringing this matter here asking for a right which it especially reserved in that original settlement. By special bills introduced by me and every other imaginable means it has sought to have a determination of its rights recognized to the extent of being stipulated as reserved.

Mr. STAFFORD. But the claimant had a right to go into the Court of Claims for adjudication of its claims. The Shipping Board states that if we recognize this precedent in this case it will be the foundation for claims aggregating \$21,000,000.

Mr. BACHMANN. Mr. Speaker, I do not want to interrupt the gentlemen, but it looks as though we are not going to make much progress. I demand the regular order.

Mr. GREENWOOD. Will the gentleman withhold that just a moment?

Mr. BACHMANN. I will withhold it for a moment.

Mr. GREENWOOD. Is there a basic law upon which these gentlemen have the right to present their claim to the court? If that is all that is asked in the bill, I will not object.

Mr. BOX. There is not now and has never been such a state of facts as has given the claimant the right to sue, though it had the claim and the right mentioned in the stipulation quoted.

Mr. GREENWOOD. But this will give him an opportunity to present his claim?

Mr. BOX. Yes. This claim does not belong in the same class as those referred to by the language quoted by the gentleman from Wisconsin. According to my information from reliable sources, and which I believe to be correct, there are only six or seven claims whose owners had recognized and reserved rights at all like this one and only two or three, more or less, of those whose rights and reservations were exactly on all fours with the rights and reservations in this case.

Mr. STAFFORD. I think the claimant had that right and waived the right.

Mr. BOX. No; it has not, but has been seeking them continuously and should be given a chance to establish them.

Mr. STAFFORD. I will ask that the bill go over without prejudice.

Mr. GREENWOOD. I wish to withdraw my objection.

Mr. BACHMANN. Regular order, Mr. Speaker.

Mr. STAFFORD. I object.

CHARLES J. FERRIS, MAJOR, UNITED STATES ARMY, RETIRED

The next business on the Private Calendar was the bill (H. R. 8589) for the relief of Charles J. Ferris, major, United States Army, retired.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles J. Ferris, major, United States Army, retired, the sum of \$124.12, being the sum expended by him from his personal funds while complying with official orders of the War Department on travel in connection with his duty with the National Guard of Virginia during 1917.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

G. W. GILKISON

The next business on the Private Calendar was the bill (H. R. 10737) for the relief of G. W. Gilkison.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension and home-stead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, G. W. Gilkison shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a musician of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, on the 7th day of March, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause, page 1, line 3, down to and including line 11, on page 1, and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers G. W. Gilkison, who was a member of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 7th day of March, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK STORMS

The next business on the Private Calendar was the bill (H. R. 6186) for the relief of Frank Storms.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors Frank Storms, formerly of the United States Navy, shall be hereafter held and considered to have been honorably discharged from the naval service of the United States on the 26th day of March, 1909: *Provided*, That no bounty, back pay, pension, or allowance be held to be accruing prior to the passage of this act.

With the following committee amendments:

Page 1, line 3, after the word "that," strike out all of line 3 and all of line 4, and page 1, line 8, strike out "26th" and insert "20th."

Page 1, line 9, strike out the words "be accruing prior to" and insert "have accrued by."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ARTHUR D. STORY

The next business on the Private Calendar was the bill (H. R. 1029) for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, receiver for the Murray & Thregurtha plant of the National Motors Corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, from my reading of the report I had doubt as to whether there was any defaulting obligation on the part of the Government or its employees as to the destruction of this Coast Guard vessel before it was accepted by the Government.

Mr. ANDREW. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. ANDREW. This vessel was in charge of the customs authorities. It was built by a small boat builder who fulfilled the terms of the contract as regards seaworthiness and speed. There were some adjustments to be made. It was turned over to the customs guard and was in their custody. Some gasoline, while the boat was being looked after by the customs guard, got into the bilge. The customs guard's representative who observed this did not act promptly about it, and the vessel exploded in consequence. I think it is a perfectly just claim.

Mr. STAFFORD. But the vessel had not up to that time been accepted by the Government.

Mr. ANDREW. It had not been technically accepted, and if it had been there would be no reason for such a bill, but it had practically been accepted as to all major requirements, there remaining only some minor adjustments to be made. The

boat was so satisfactory that the customs people took it over pending the making of these adjustments, which had been completed when the accident occurred.

Mr. STAFFORD. Was not the vessel virtually in the custody of the contractor? Was it not taken to this marine yard for the convenience of the contractor so he could make the adjustment more readily?

Mr. ANDREW. It was entirely being watched after by the customs officials and the Coast Guard. It had been taken up on the marine railway of the Coast Guard, where these adjustments were made, and then it was taken off the railway and moored at the dock in charge of a customs officer.

Mr. STAFFORD. As I read the report, the destruction occurred by reason of the character of the mooring. Who moored the vessel to the marine dock?

Mr. ANDREW. The customs people, the contractor having nothing whatever to do with it. There was a customs man on board the vessel at that time. He smelled the fumes and should have sounded some alarm, or he should have put out the fire in the heater on the vessel. He did not do anything about it, and during the course of the night the explosion occurred.

Mr. STAFFORD. I was trying to ascertain through whose fault the boat listed by reason of being docked at the marine railway.

Mr. ANDREW. It was the fault of the customs man entirely. If the gentleman will read the report of the collector of customs, he will find the collector himself places the responsibility. He says:

This investigation also indicated that the explosion might have been averted if Customs Guard Engler, when he smelled the gasoline fumes and realized the gravity of the situation, had extinguished the fire in the hot-water heater and opened the ports.

Mr. STAFFORD. I wish to say to the gentleman that I have read the report in toto, but I have had difficulty in concluding as to whether the listing of the vessel—which was the proximate cause of the damage—was due to the action of the contractor in mooring the vessel or the action of Government officials.

Mr. ANDREW. There was no representative of the contractor there. The boat had been turned over to the Customs Service, and had been tied up at the wharf by Captain Wyman, of the customs guard. It probably would have been accepted within 24 hours and settlement made.

Mr. STAFFORD. On the assurance of the gentleman from Massachusetts that the vessel was virtually in the custody of the Government, I will withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$6,538.43 to Arthur D. Story, assignee of Jacob Story; and the sum of \$703.15 to Harris H. Gilman, receiver for the Murray and Thregurtha plant of the National Motors Corporation, in compensation for restoring the damaged customs patrol boat—official number 545.

Mr. BACHMANN. Mr. Speaker, I offer an amendment, the usual provision with regard to attorney's fees.

The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: At the end of the bill insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CATHERINE C. SCHILLING

The next business on the Private Calendar was the bill (H. R. 1176) for the relief of Catherine C. Schilling.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this bill, I take it, is similar in its purpose to a bill which it was my unpleasant duty to object to some weeks ago, a bill introduced and reported by my colleague, Mr. SCHAFER of Wisconsin. There are thousands of cases of similar purport which, if we allow this bill to pass, would be entitled to similar relief.

Mr. WOOD. If the gentleman will reserve his objection, there are some facts in connection with this case which, to my mind, make it exceptional. Catherine Schilling, the beneficiary under this claim, had a brother in the soldiers' home. He was an invalid and she visited him as frequently as she could. It was his purpose and intention to give her what money he had in his possession or in the possession of the home. As I understand, the statute provides that where money is in the possession of the home at the time of an inmate's death it becomes a part of the property of the home.

Mr. STAFFORD. If the gentleman will permit, I would not be so insistent upon my position were it not for the fact that during one of those pleasant or unpleasant periods when I have been out of Congress I had a case where the facts were very similar to the facts in this case. I referred to those facts when the other bill was under consideration. It was the case of an old man 104 years of age who made a will leaving all of his property to a nephew. Prior to his death the home had transferred some two thousand or more dollars of his pension money to the post fund. There was some \$286, however, in the home fund that had not at that time been transferred to the post fund. The post fund has been reimbursed by these pension moneys aggregating, as the distinguished chairman of the Appropriations Committee knows, hundreds of thousands of dollars. If we are going to do it in this case, we might just as well lift the bar to all of them.

Mr. WOOD. No; if the facts in all the cases were like the facts in this particular case I would say lift the bars to all of them.

Just a few days before this soldier died his sister visited him and it was his desire then to deliver the money he had to his sister, which he had a perfect right to do at that time.

Mr. STAFFORD. If the gentleman will permit, I think the money having been transferred to the post fund, it was beyond the control of the pensioner.

Mr. WOOD. No; during his lifetime he had a perfect right to withdraw it and give it to his sister and it was his purpose to do this, but some one in connection with the home, I have forgotten exactly who it was, told him and told her that it was not necessary to do this at all, that if he lived for any considerable length of time he would in all probability need the money, and upon his death whatever money remained would be turned over to the sister. It occurs to me that this was not treating the soldier fairly and was not treating the beneficiary fairly.

Mr. STAFFORD. Mr. Speaker, in order that I may inquire further into the facts brought to the attention of the House by the gentleman from Indiana, I will ask that the bill be passed over.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

ARTHUR H. TEEPLE

The next business on the Private Calendar was the bill (H. R. 1354) for the relief of Arthur H. Teeple.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, this is a bill to reimburse a young man for certain medical treatment. He was in the National Guard, and the records of the War Department show that he did not ask for hospital treatment, but went home.

Mr. SMITH of Idaho. The report of the commanding officer of the National Guard shows that he was injured on June 11 and reported every day thereafter until the 16th, at the close of the encampment, when he was moved to Pocatello and put in charge of Doctor Brothers, who is a member of the Medical Officers' Reserve Corps. This young man was injured while riding a horse, and later a herniotomy operation was performed upon him. They could not operate on him at the encampment barracks at Boise because they had no medical facilities there to take care of an operation. He was under the care of the doctors from the time he was injured until he was discharged from the hospital in Pocatello, where he was operated on a few days after he arrived there.

Mr. COLLINS. The Secretary of War says that the War Department is consistently opposed to the enactment of special legislation of the type carried in this bill, which would single

out an individual of a class for preferential treatment not accorded to others of that class.

Mr. SMITH of Idaho. The reason we have a Committee on Claims and introduce private bills is to handle such cases as this, and we can not always be guided by the opinion of an executive officer as to the merits of the case, and certainly not as to what action Congress should take.

Mr. COLLINS. The report also says:

Private Teeple proceeded from the camp to his home after the conclusion of the training period, his claim can not be recognized as founded on law—

And so on.

Mr. SMITH of Idaho. You will observe in the report that for a period of six months after an injury is incurred, while the National Guard is in camp, they can be compensated, but in this particular case—

Mr. COLLINS. I think we ought to change the general law if we are going to start the payment of claims of this kind.

Mr. SMITH of Idaho. This is an unusually meritorious claim, and should be favorably considered by Congress.

Mr. COLLINS. I object, Mr. Speaker.

RUBAN W. RILEY

The next business on the Private Calendar was the bill (H. R. 3764) for the relief of Ruban W. Riley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Compensation Commission shall be, and is it hereby, authorized and directed to place on its compensation roll Ruban W. Riley, and waive, in his favor, the limitation of time to make claim under the provisions of section 20 of the act entitled "An act to provide compensation for employees of the United States suffering injury while in the performance of their duties, and for other purposes," approved September 7, 1916; that in the administration of the aforesaid act the said Ruban W. Riley shall be held entitled to and awarded compensation at the rate of \$66.67 per month for loss of sight of right eye due to fall from cliff in performance of his duties as United States surveyor, such award to be effective from date of resignation from the service October 31, 1926.

With the following committee amendments:

Page 1, line 12, strike out "at the rate of \$66.67 per month" and insert "in accordance with the provisions of the United States Employees' Compensation Commission."

Page 2, line 5, strike out the words "from date of resignation from the service October 31, 1926," and insert "from date of passage of this act."

The committee amendments were agreed to.

Mr. BACHMANN. Mr. Speaker, I offer an amendment. In line 3, after the word "States," insert the word "employee."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, after the words "United States," insert the word "employee."

The amendment was agreed to.

Mr. BACHMANN. I have a further amendment.

The Clerk read as follows:

Page 2, line 3, after the word "eye," strike out the words "due to" and insert the words "as the result of an."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the further amendment.

The Clerk read as follows:

Page 2, line 3, before the word "cliff," insert "a."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REMOVING CLOUD ON TITLE OF LANDS AT FORT LYTTLETON, S. C.

The next business on the Private Calendar was the bill (H. R. 9198) to remove cloud as to title of lands at Fort Lyttleton, S. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MICHENER). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to convey whatever right, title, or interest the United States may have in and to 5 acres of land which includes the original site of old Fort Lyttleton in Beaufort County, S. C., to the Federal Intermediate Credit Bank of Columbia, S. C., or assigns, Columbia,

S. C., this being the same parcel of land ceded to the United States by the State of South Carolina in the year 1808 and sold for nonpayment of taxes by authorized agent of the United States in 1866.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SALE OF LAND IN THE STATE OF OREGON TO THE KLAMATH IRRIGATION DISTRICT

The next business on the Private Calendar was the bill (H. R. 10174) authorizing the sale of a certain tract of land in the State of Oregon to the Klamath Irrigation District.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mrs. KAHN. I object.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

GEORGE DEWEY HILDING

The next business on the Private Calendar was the bill (H. R. 3022) to provide for the advancement on the retired list of the Navy of George Dewey Hilding.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Reserving the right to object, this bill is a congressional promotion to which I have been consistently objecting.

Mr. MAPES. I think, if the gentleman please, this is different from the regular promotion bills. This does not affect anybody in the active service. It simply relates to a man on the retired list, who was retired under a different system than was adopted for the retirement of others in the service similarly situated.

He had tuberculosis, which he contracted in the service, and was transferred to the Fitzsimons General Hospital at Denver for treatment. He claims that it was the policy of the Navy to keep tubercular patients in the hospital for treatment at least a year before retiring them. This policy was not followed out in his case. He was retired in less than a year. If he had been retained and treated in the hospital for a period of a year the time for his promotion to the grade which this bill seeks to give him, would have arrived, he would have been advanced to that grade and retired in it.

Lieutenant Commander Ames, retired, of the Medical Corps, who was at the head of the retiring board at the time, says of his case:

Ensign Hilding was not recommended for retirement by a board of medical survey, but the board's recommendation for transfer to the Fitzsimons General Hospital for treatment was changed by the Bureau of Medicine and Surgery to the recommendation that he appear before a naval retiring board. By this action the Bureau of Medicine and Surgery unwittingly worked a hardship on Ensign Hilding by depriving him of a year's hospitalization which all other officers had received.

As president of his retiring board, I assumed that Ensign Hilding was appearing at his own request and had he brought my attention to the circumstances, I should have delayed action in his case until he had enjoyed the benefits of the customary year in hospital.

Though there is no question of injustice or partiality in this case, Ensign Hilding did not enjoy the period of hospitalization which it was the custom to give officers on the active list of the Navy. I might add, by way of explanation, that the custom of a year's hospitalization was for the purpose of rehabilitating the patient so that he might, on retirement, be capable of following a gainful occupation.

If he had been kept in the hospital for the year that it was customary to keep patients who had tubercular trouble, he would have arrived at the time for promotion and have been retired at this grade.

Mr. COLLINS. If he had stayed in the service nine months longer, he would have been promoted. That is the fact.

Mr. MAPES. But that is not all the facts. The fact is that other men similarly situated were kept in the hospital one year for treatment, but through a misunderstanding of some kind this man did not receive that treatment which he should have received. He was retired from the service, and since he has been out of the service he has endeavored to carry on, but has been unable to do so successfully on account of his tubercular trouble which he contracted in the service. He graduated from the Naval Academy and wanted to make the Navy his career, but has been unable to do so on account of this disability. I am personally acquainted with him and his family. He is an upstanding young man. He was not treated as others were treated.

Mr. COLLINS. They have not any record of that here.

Mr. MAPES. Yes; there is a record of that in the hearings. Mr. COLLINS. There is no record in the report of the Secretary of War.

Mr. MAPES. That is true.

Mr. COLLINS. He is the custodian of the records.

Mr. MAPES. I have read from a statement of Lieutenant Commander Ames of the Medical Corps of the United States Navy, retired, who was at the head of the examining board at the time that this man was discharged.

Mr. COLLINS. I can not differentiate this case from all of the rest.

Mr. MAPES. I am sorry the gentleman can not see the difference.

Mr. COLLINS. I object.

WILLIAM GERAVIS HILL

The next business on the Private Calendar was the bill (H. R. 3610) for the relief of William Geravis Hill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. BACHMANN. I reserve the right to object. Is there anyone on the floor who knows the facts concerning this bill?

Mr. STAFFORD. Mr. Speaker, the gentleman from Nevada [Mr. ARENTZ] yesterday directed a pertinent inquiry in respect to what the attitude of Congress was going to be toward the cases of the World War involving desertion.

Mr. BACHMANN. That is the reason I reserved the objection.

Mr. STAFFORD. I stated in a way what the policy of the Committee on Military Affairs is. It is my thought that it would be serviceable to Congress if both committees would get together and mutually agree on a common policy as to removing charges of desertion from the record of World War veterans, so that they would be eligible to relief. I do not think the American Legion or the Disabled War Veterans or any other organization of World War veterans would approve of a policy of removing the charge of desertion in flagrant cases in order that these men may receive compensation.

Mr. BACHMANN. Yesterday the committee on this side agreed that we would not report favorably to remove charges of desertion unless in a case of unusual importance, after the time of the Spanish-American War, because the time has been too short since that time to attempt to correct these desertion records. In this particular case this boy is in the hospital and has been in the hospital with one lung entirely gone. He is terribly afflicted with tuberculosis. I reserved the right to object in order to point that this particular case, I think, is in the exceptionable class.

Mr. STAFFORD. Mr. Speaker, the facts are, and the record better show it, that there may be some exceptionable facts in justifying it—that the desertion occurred after the armistice was signed. The report says that he again deserted from the naval service on March 26, 1919. That, I think, lifts it into the realm whereby we might give consideration to it. If the desertion had arisen during the actual period of war, I think it would be questionable whether we should lift any such charge.

Mr. BACHMANN. I am in accord with the facts as stated by the gentleman from Wisconsin.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Geravis Hill, formerly of the United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a member of the United States Navy on the 26th day of March, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 6, strike out the word "honorably," and after the word "discharged," in line 7, insert "under honorable conditions."

The committee amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE FLEXIBLE PROVISIONS OF THE TARIFF BILL AND THE MERCHANT MARINE

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the flexible provision of the tariff bill and the merchant marine act.

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, supplementing the brief remarks that I made a few days ago in regard to the flexible provisions of the tariff bill and the merchant marine act, and in accordance with the request that I made at that time, I will now briefly extend those remarks. Brevity is the soul of wit in the opinion of millions who would firmly believe in the correctness of that statement if Shakespeare had never expressed it so succinctly, clearly, and convincingly. Being one of the millions, I am going to follow the rule and endeavor to compress what I might elaborate and use many words upon into as short a space as possible, without becoming obscure, which is the only danger of being too brief.

Without the slightest desire of being offensive to any of my colleagues, for whom I cherish a great affection, I think I may be permitted to say that anyone who has as a Member of Congress followed the confecting of the tariff bill from its incipency to its present status and still believes that Congress ought to be the body to make tariff rates is either a blind worshiper of congressional rights, privileges, duties, and obligations and a rigid constitutionalist as ever could be found in the United States of America, or he is disposed by nature and temperament to believe in fairy tales and the annual visitations of Santa Claus. Congress is no more fit to make tariff rates than it is to make transportation rates. A tariff commission, with full power and authority in its field, is as necessary as the Interstate Commerce Commission. The country has grown too large territorially, commercially, industrially, socially, historically, and otherwise for any body as unwieldy as the Congress of the United States to confect a tariff bill that will meet the needs and requirements of all parts or sections of the Republic.

Not that a Member of Congress is not as able as any tariff commissioner could possibly hope to be but because the Congressman has a thousand and one things to attend to daily, whereas, in truth and fact, as the legalists say, the tariff commissioner has, or would have, but one subject to think about and study over and render a decision thereon, and that is a tariff rate that would give a fair degree of protection to American interests and industries. All that the tariff commissioner has to consider is that particular subject with its implications, connections and tie-ups, cost of production here and abroad, ocean freight rates, and the railroad transportation rates of our own country and importing countries, together with the contribution that importers of foreign goods ought to make as a license for doing business here in competition with our own merchants, who have to pay taxes to the Federal, State, and municipal bodies of the country.

Yes, Mr. Speaker, Congressmen are among the best-educated lawyers of the country. They are among the best historians of the country. They have come from our best colleges and universities and belong to the choice intellectual spirits of the country. Of course, many Americans will effect to sneer and giggle at this expression, for it is fashionable or customary, anyhow, to sneer at Congress, though it has outlived all of its critics. Again, criticism and slander, like death, love a shining mark. This testimonial to my colleagues shows that I am not unmindful of the virtues and abilities of Congressmen. But I insist that they are not as well qualified to originate and perfect a tariff bill as the Tariff Commission for the reasons that I have already outlined. As a matter of fact and history, the tariff bill for all practical purposes was made in conference by 10 men, who excluded 4 of their number, thus reducing the conference to 6 men, not one of whom, however thoroughly educated he may be generally, would know either the rate to apply or its effect if he did not have a tariff expert at hand to inform and advise him.

The Tariff Commission should be given the broadest possible powers, to be exercised, however, only under the watchful scrutiny and at the discretion and will of the President of the United States, who is the outstanding symbol of that patriotism, virtue, and love of country which is the boast of every American. "The king can do no wrong" is a legal maxim which may be easily converted into an American aphorism. Our President can do no wrong. Elevated by the American people to Olympian heights regardless of former traits, habits of mind, or even convictions, he at once becomes, or should become, the symbol of the hopes, aspirations, and the impulses of the people whom he is ever ready to proudly proclaim as his own countrymen "and scorn to give aught other reason why." Let us create a Tariff Commission which will ever be under the watchful eye of the President, who will exercise a power over it similar to that power exercised by the Supreme Court over all inferior tribunals. The docket which the commission will have to keep, and which will be a public record, will show who are the appli-

cants for increased or decreased rates; and any unusual delay in the rendition of a proper judgment or allowance would fall under the ban of public opinion which, after all, is the highest law of the people of our country. It is the only way by which to secure a scientific tariff—which the one about to become a law is not. I voted for it but I am not blind to the fact that many of the most prominent journalists, industrialists, and educators in the United States believe that it is far from being a wise confection and may make for antagonisms which under a scientific enactment would not and could not exist. Give the President full authority! And why not in this particular case?

It was the President who called Congress into session to pass the tariff bill to meet what he considered certain industrial and agricultural exigencies. No one believes that Congress would have taken the initiative and embarked upon the tempestuous seas which the pending bill has met. In other words, this tariff bill is more the responsibility of the President than that of Congress which went through a great many confused and perfunctory motions in bringing it to the parliamentary position where it stands to-day. The charge made by many that the President would be given too much power in the flexible provisions, which implicates the covert insinuation that he might use that power in behalf of influential interests, is not worthy of any great consideration. Any President who would be guilty of such conduct would soon establish to his own satisfaction that he was not worthy to occupy the exalted position to which the American people had elevated him, and it is unthinkable to believe anyone would willingly fall to such a wretched condition of moral degradation. It would be contrary to all experience and at variance with human nature and all of its impulses. Without being offensive such insinuations, however adroitly made, are bosh and bunk so far as my own view can discern them.

A scientific tariff in my judgment would be an invaluable adjunct to the merchant marine, which, I am sure, will eventually become one of the greatest factors in the expansion of our commerce abroad, which necessarily means its further development at home. I have always during my congressional career preached for a merchant marine which I know will be immeasurably important in continuing our onward march as a great industrial and commercial nation. I did not hesitate when the first Government aid was denounced as a subsidy which at that time and, I think, still carries a sinister idea to the minds of most American people.

I have always been a protectionist—that is, a believer in the protective system as the foundation on which our country could build a vast and magnificent superstructure. I stand for Federal aid for the building of good roads throughout the United States. I have stood for aid for our waterways, railways, and airways for the reason that I wanted a coordinated transportation system that will reduce the cost of business in peace time and be an invaluable agency to our Army and Navy in war times. I stand for Federal aid for the agriculture, that is, that aid which will bring home to the agriculturist the knowledge and wisdom through information necessary to his intellectual development and through which he will acquire the power to successfully manage his own farm affairs from every conceivable standpoint.

Yes, Mr. Speaker, I am for a merchant marine and an advocate of the interpretation and construction of the act in such a manner as to bring into full flower and fruitage the purpose had in view by Congress when it solemnly ordained the enactment. And what is the underlying philosophy of our merchant marine if it is not to make for a development of all of our ports, the Atlantic, the Pacific, and the Gulf, instead of having one great port, relatively speaking, to boast about? An American Beauty is made by pruning the bush of all of the other roses so as to drive the full strength of the plant into one beautiful flower. It is doubtful, however, if it would not be better for the bush to thrive in such a way as to produce many roses which could adorn many humble homes than the one which would appeal to fewer eyes.

The merchant marine act should receive an interpretation which would be mindful of the big benefits that flow to those sections that will be benefited by the construction of replacement ships at an expenditure which will add greatly to the prosperity of those sections. In other words, sections like my own, the Gulf coast, which can not boast of any shipbuilding plants, should be treated generously from every other standpoint in the letting of mail contracts. Paraphrasing Fletcher who said, "I do not care who writes the laws of a country if you will permit me to write its songs," I care not who writes the transportation rates of a country if you will permit me to determine the ocean rates of its ports by the allocation of steamships with greater speed from some ports than others. The Mississippi Valley has a satisfactory railroad

and highway transportation structure, I think. But of what value is that structure in so far as export business is concerned both to Europe and Central and South America if North Atlantic ports have steamships that can make destination 4, 5, and 6 days quicker than steamers leaving the Gulf ports?

Mr. Speaker, no man can tell what a day will bring forth. The world was set on fire by the killing of one man on August 1, 1914. That conflagration almost swept the world into black nakedness by its fiery flames. History has a habit of repeating itself particularly when the same causes that have led to effects in the past are still in operation. Age-old oppositions, commercial rivalries, industrial antagonisms are still in operation making for war sometime in the future as inevitably as they worked to that end in the past. The United States must be prepared for that tremendous day when the nations of the earth will meet at Armageddon. The underlying purpose of the Shipping Board to develop all of our ports must be observed, fostered, and promoted.

The Atlantic, the Pacific, and the Gulf ports must be treated with that judgment and insight, through a consideration of all of the factors, so as to make for a proper and adequate development of all of the great ports of our country. A blind faith in and a reliance upon one port or group of ports in one section of the country may lead to our undoing when the cataclysm that is looming ahead will break in all of its fury upon the nations of the earth. Coming events cast their shadows before. Is not the London pact a feeble attempt to delay the inevitable hour when supremacy and primacy in the commercial, industrial, and financial affairs will be the stake for which men will fight, even as men fought before? The Interdepartmental Commission should make mail contracts which will permit ship operators from the Gulf ports to put into operation swift liners and steamers that will make for a logical application and fulfillment of our domestic rates in the Mississippi Valley by developing exports from those ports. The Tariff Commission, working in harmony with the Interstate Commerce Commission, can expand and increase our domestic commerce by developing as many distributing points as are feasible and consistent with economic principles. It undoubtedly would be far better and more economical to have 100 cities of 500,000 people each than 10 large cities each of 5,000,000 inhabitants dotting the landscape in accordance with economic law from ocean to ocean and from the Lakes to the Gulf of Mexico. The law of diminishing returns operates against the continuous growth of cities after they have reached the point where they can function with that efficiency which produces the maximum results consistent with economic law. It is no answer to say that our cities must have grown in accordance with the law inherent in the growth of all things. Other factors have temporarily suspended in a measure and distorted in a greater degree the logical development and operation of the law that is the fundamental cause of the national growth.

The disturbing influences are too obvious to require any mention or elaboration which would be superfluous. Yes, Mr. Speaker, in the interest of our domestic and foreign commerce, let us have a Tariff Commission that will be able to function along the widest possible lines consistent with those constitutional restraints which no one wishes to see violated, though a vast number of legalists insist that that great instrument should be interpreted and constructed so as to give it that flexibility which will make it an efficient and prompt servant in every generation of living men and women, thus enabling them to expeditiously work out remedies where required, and removing the iron grasp of mortmain from what should be the free forward movement of marching humanity.

The Gulf ports are among the greatest assets of the Republic. "Further develop and expand them" should be one of the slogans of the Nation. Let us keep in mind all of the factors in establishing a merchant marine and so build and operate as to make for a parity or the equalization of all our ports which is, or should be, the fundamental purpose of the Shipping Board and the Interdepartmental Commission.

Pass the tariff bill with a flexible provision that will permit of that speedy action to meet rapidly changing commercial conditions and those exigencies which must arise from an expanding world trade. A tariff commission is the mechanism through which the President may promptly meet our national and international trade requirements. A merchant marine operated so as to make it truly nationalistic in vision, scope, and the fulfillment of its underlying purpose by balancing all of the factors involved is a blessing for which our people hope, and which I think time in its swift but endless journey will soon gratify.

Let me close by expressing my admiration of a great leader of his people in peace and war times. Gen. Winfield Scott Hancock was a great soldier, but his military exploits are lost

in the fame he secured by a sententious utterance about the tariff, which he sagely declared to be a local issue. He became the candidate of the Democratic Party at a time when the clouds hung thick, dark, and heavy over its ranks, and by a laconic statement displayed an unrivaled understanding of a problem that provoked the most intense bitterness in the two great antagonistic schools of thought on the value of the tariff as an economic and governmental theory and practice. Expert, analytical study of that subject as a part of the broader field of taxation demonstrates that a tariff that will give ample protection while not being oppressive as a result of domestic competition to the North Atlantic coast and its millions of wage earners, toilers, tradesmen, merchants, and financiers will gradually and almost imperceptibly lose its protective effect as the distance inland increases until it becomes entirely negligible.

A tariff on shoes will protect the myriad workers of the New England and adjoining States, but is totally valueless when we reach St. Louis, the railroad freight rate rendering it nugatory and of no consequence to the consumers in the vast section contiguous and tributary to that great valley city. And it may not be inaccurate to say that every rate in the bill now pending will have a different effect in every section of the country as a result of the economic law which depends for its effective or ineffective operation, and varies as the distance from the distributing point as the commodity upon which the rate bears increases or decreases.

Therefore, Mr. Speaker, it is necessary that the tariff should be constantly the care and the consideration of a small body of men who will meet all the requirements of the important parts through a possession of adequate information upon national and international affairs, the laws of trade, domestic and foreign, a knowledge of trade routes, railroad and water rates here and abroad, and the great ability to apply that knowledge of all the factors which will serve the purpose of maintaining a proper standard of living for our working people while not disturbing our amicable relations with our neighbors and overseas friends.

It is a great job as we Americans have it. But there are many Americans who can fill the job. We are not poor in men or women. It is a job that challenges the courage, the ability, and the honesty of the biggest in big American life. But there are many a Hercules among us, and though this gigantic task of perfecting a scientific tariff is far more difficult of accomplishment than the 12 romantic and dangerous labors in which the son of Jupiter was successful, it will be solved in a manner that will give satisfaction to the American people. But, Mr. Speaker, remember in making the appointments that one of the principal requirements—indeed, it should be in the nature of a *sine qua non*—is that he should be one of the men that Holland had in mind when he gave the world "God give us men" in his nation's prayer.

We need a tariff, I repeat in closing this extension, for many American reasons, but for one particularly that is near to my heart from my earliest years. I want American wage earners to enjoy that standard of living that makes men and women free, so free that they will daily thank God for such a country as their own America. And without differing too violently with those who think otherwise, a protective tariff is essential for the prosperity of American workingmen. Nine-tenths of the toilers of the land believe so. It is inconceivable that they should think that the establishment through low-tariff rates of a condition in which we would have to compete with the low-cost production of European and Asiatic countries would inure to their benefit, advantage, and welfare. They are not blind to their own interest nor to their country's welfare.

I am a believer in maintaining and asserting the rights of wage earners. They work to create the wealth which they do not enjoy in proportion to their labor or numbers. They make up a large part of the Democratic Party. They want protection for the industries in which they are employed. They believe in the policy of protection for all, as declared in the Houston convention platform which set at the masthead of the Democratic ship of state the great ensign "equal rights to all and special privileges to none." That means that the toilers of America want a tariff that will protect American agriculture and industry. The wage earners live in the cities. Without them the Democratic Party can not win. The farmers live in the country. Without them the party can not win. We must stand by the Houston convention platform which declared unequivocally for the protection of both agriculture and industry for the farmer and the city wage earner.

JOSEPH A. McEVROY

The next business on the Private Calendar was the bill (H. R. 329) for the relief of Joseph A. McEvoy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated the sum of \$1,294.54 to Joseph A. McEvoy, former superintendent of the Fox Creek post office station, Detroit, Mich. Said sum represents the amount paid by said Joseph A. McEvoy to the United States Government to make up the deficit in the accounts of the Fox Creek station, which deficit was caused by robbery or burglary of said post office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KLAMATH IRRIGATION DISTRICT

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to return to No. 483 of the calendar, H. R. 10174, authorizing the sale of a certain tract of land in the State of Oregon to the Klamath irrigation district.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, when that bill was objected to there were several Members in the House ready to object to it. They have since that time left the Chamber. In addition, I was asked by one of the Members of the House to request that the bill be passed over without prejudice, if he were not in the Chamber at the time when that bill was called. Under the circumstances, ultimately I shall have to object.

Mr. BUTLER. Mr. Speaker, will the gentleman reserve his objection?

Mr. STAFFORD. Yes.

Mr. BUTLER. I shall state for the benefit of those who are here just what this bill proposes to do, and the reasons probably in some instances for objection.

When the Government started in to construct the Klamath irrigation project it embarked at that time upon a policy of developing electrical energy along with the construction of irrigation projects, and for that purpose, out of the appropriation from the reclamation fund, it expended approximately \$13,000 in the acquisition of what is known as the McCormick power site.

The California-Oregon Co. established a foothold there and later secured from the Government additional power rights. This proposed development of the McCormick site was then abandoned and the property has remained useless and idle since that time. The present law provides that property held by the Reclamation Bureau may be placed on sale at public auction and sold to the highest bidder; but if this property were so placed there would be no sale for the reason that the farmers know that they could not successfully bid against the power company, which, I was told, had no use for it, and a representative of the company so told me.

A representative of the Bylesby interests called to see me about the bill and said that he did not think there was any objection to it, inasmuch as their rights of ingress and egress were protected. Later other representatives of the power company came and expressed their interest in the legislation and asked that the bill be not rushed until they could investigate, and I advised them that there was no chance to rush it, as it had to take its course. I also told them that a similar bill was pending in the Senate and that no doubt they could be heard before the Senate committee, and they informed me that Senator McNARY, a member of the committee and the author of a similar bill in the Senate, had assured them that they could have such an opportunity. However, they have not availed themselves of such opportunity.

A short time ago the gentleman from California [Mr. CARTER] told me that he expected to object to the bill and a few days later told me that he would not object, but later I was told that the gentleman from California [Mrs. KAHN] was intending to make objection, which she has done.

This bill has been favorably recommended by the Secretary of the Interior and the Commissioner of Reclamation. The Government has no use for it whatsoever and it is of no benefit under present conditions to anyone. The power company has large power-site holdings on the river in that section and the farmers on the Klamath project desire to develop the McCormick site and furnish electricity to the settlers.

If the property is not sold under authority of this bill, it will not be disposed of at all, for if it is put up for sale at public auction the farmers will not bid, because they realize they could not successfully contest with the power company and the power company knows that the farmers could not, and consequently no one would bid and this property would be on the Government's hands with its money tied up in it and the same not on the tax rolls at all. The property has been lying idle for many

years and application could have been made should the company have desired it long ago for sale under the general law.

As a matter of fact, this property should be turned over to the irrigation district without cost or charge, for it was originally acquired for the benefit of the district, as I have stated before, with money out of the reclamation fund, and in equity and good conscience those settlers should have title transferred to them without cost or charge, but they are willing to reimburse the Government for the actual money expended and at the same time do no violence to the rights of the power company, which are fully protected in the bill.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. STAFFORD. If I recall the incident when the bill was up before, the lady from California [Mrs. KAHN] and the gentleman from Illinois [Mr. ALLEN] objected; are we to understand that the lady from California and the gentleman from Illinois have withdrawn their objections?

Mr. BUTLER. Not to my knowledge.

Mr. STAFFORD. Does the gentleman think it is fair practice to call up a bill in their absence?

Mr. BUTLER. Yes; since the privilege of explaining this bill was denied me by the gentlewoman from California [Mrs. KAHN] refusing to reserve her objection until I had the opportunity of making a statement.

Mr. STAFFORD. Mr. Speaker, I call for the regular order.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes. I will withhold the demand.

Mr. ARENTZ. I wanted to say to the gentleman from Wisconsin [Mr. STAFFORD] that a man who objects to any of these bills ought to have a valid reason, and when a man gives as the reason the fact that somebody else has written to him about the matter, it is a poor reason. It seems to me that when a Member says somebody writes to him to object to this bill he should give a reason or else we should go out of office.

Mr. STAFFORD. Does the gentleman think it fair, when Members have good ground for objecting, and object to a bill and then leave the Chamber, that other Members should have the right to call up the bill in their absence?

Mr. ARENTZ. I understand the objection is raised by the gentleman on the ground of letters that he has received. They must be inspired either by the power interests or other interests.

Mr. STAFFORD. I wish to disabuse the mind of the gentleman as to my having received any letters from any person as to this bill. I do, however, take full responsibility for objecting to return to the bill in the absence of the Members who originally objected.

Mr. GREENWOOD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

BENJAMIN C. AND BESSIE LEWIS

The next business on the Private Calendar was the bill (H. R. 523) for the relief of Benjamin C. Lewis and Bessie Lewis, his wife.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, under that reservation I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I have taken these two minutes to indicate to the House that I resent the sense of the words spoken on the prior bill by the gentleman from Nevada [Mr. ARENTZ]. Anyone listening to his speech would not fail to reach a conclusion that he made an unfair attack on our colleague the gentleman from Wisconsin [Mr. STAFFORD].

The gentleman from Wisconsin [Mr. STAFFORD] had given the House sufficient reasons to justify his calling for the regular order and objecting to the consideration of that bill. When a Member objects to the consideration of a bill on the Private Calendar and then leaves the Chamber perhaps to answer a telephone call, I think it is unfair to call up that bill again during his absence. I do not approve of such action by this House on bills requiring unanimous consent for consideration. I do not believe that the gentleman from Wisconsin, who was attempting to preserve the integrity of this body on this unanimous-consent day, should have uncalled-for insinuations cast upon him by the gentleman from Nevada.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin C. Lewis and Bessie Lewis, his wife, jointly, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, in full compensation for the loss, injuries, and damages sustained by them on the evening or night of November 17, 1927, when the automobile in which they were at that time riding collided with an Army truck owned and operated by the United States Government.

With a committee amendment as follows:

Line 6, strike out "\$15,000" and insert "\$429."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

DAROLD BRUNDIGE

The next business on the Private Calendar was the bill (H. R. 2458) for the relief of Darold Brundige.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. I would like to inquire of the gentleman from Indiana [Mr. Hogg], who introduced this bill, as to the number of weeks the claimant was unable to work.

Mr. HOGG. Mr. Speaker, in answer to the inquiry of the gentleman from West Virginia [Mr. Bachmann], the man for whose relief the bill was introduced was unable to work for a period of approximately a year and a half, and is to-day unable to do more than a half day's work regularly.

Mr. BACHMANN. I notice from the report on page 7 a statement by the doctor saying that he has completely recovered from his fracture and is able to do work as well as he ever could.

Mr. HOGG. The statement says "clinically he has completely recovered," but the doctor points out the right leg is shorter than the left leg. The evidence, which was presented to the committee, and which I have here, consisting of 40 or 50 pages of affidavits and statements of physicians and others, shows that Brundige is unable to do regular work at the present time.

Mr. BACHMANN. He is asking, in the bill of particulars which he has filed in the report, for compensation at the rate of \$35 per week for a total of 40 weeks, in the total amount of \$1,400. His salary as a waiter at a lunch counter before this accident happened was \$20 a week, and he got, as he says, about \$15 a week in tips at that lunch counter. I would like to say to the gentleman from Indiana [Mr. Hogg] I do not think the Government ought to pass any legislation that will pay a man for tips that he received or would have received had he worked during the time that he was laid off because of the injury, because tips at the rate of \$15 a week are speculative and problematical, and I can not see that it is a good principle to establish in passing legislation to pay any man who is injured for a speculative amount that he might receive from tips at a lunch counter.

Mr. HOGG. If the gentleman will yield, I would like to say that in Washington, as in Indiana, a part of the pay received by hotel employees is in the form of tips, and that \$35 a week has been established to the satisfaction of the committee. The only reason for bringing this bill before the House is that the Post Office Department is not permitted under the law to pay more than \$500 for any one injury. I want to say further to the gentleman from West Virginia that in the evidence submitted to the committee is a series of X-ray plates taken just a few months ago and examined by the chairman of the committee [Mr. Irwin], who is a physician of wide experience and who knows more than most of us do about the permanent condition of the injury as shown by the X-ray plates.

Mr. BACHMANN. I do not have any objection to that, if the gentleman will permit. I think the Government is responsible in this case. I do not think there is any question about that; but in the bill of particulars \$1,400 is asked in one item because it is claimed he was unable to work, and the Government should reimburse him at the rate of \$35 a week, and \$15 of that is a speculative amount and a problematical amount derived from tips. In addition to that, in another item he is asking for \$500 for pain and suffering during that time. If the gentleman from Indiana [Mr. Hogg] will agree to an amendment to pay this man what his actual wages were, \$20 a week, and reduce the amount from \$1,400, and do away with this speculative item of tips, which he is asking the Government to

reimburse him for, and make the amount \$800, I will have no objection.

Mr. HOGG. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. HOGG. The bill of particulars given by the committee in the report on the bill was submitted to the Post Office Department almost two years ago.

Mr. BACHMANN. As I say, I think this is the just responsibility of the Government. If there is any question about that, I have no disposition to cut down the amount of this bill. I do not think it is good practice or a good principle for the Government to go on record to pay any amount for tips that he might have gotten if he had been able to work.

Mr. HOGG. The Government is not doing that in this case.

Mr. BACHMANN. It is a part of the bill of particulars.

Mr. HOGG. It is only a part of the report, and the report could not contain the 50 pages of affidavits and statements, nor could it contain the X-ray plates which the chairman of the committee examined. Brundige, the man, two and a half years ago had one leg badly broken. He was rendered unconscious for a long time and was in a plaster cast for several months. For more than two years he was unable to work. These wages only extend over a period of a few months wherein the tips are recognized. The gentleman is an able lawyer and knows that many elements enter into the amount of damages.

Mr. BACHMANN. I will say to the gentleman from Indiana that unless he will agree to amend the bill to cut out the tip provision and accept \$800 in place of \$1,400, I will have to object.

Mr. HOGG. Very well.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Darold Brundige, the sum of \$5,000 in full settlement of all claims against the United States because of personal injuries sustained in an accident in which said Darold Brundige was struck by a motor truck owned and operated by the Post Office Department of the United States.

With the following committee amendment:

Page 1, line 6, strike out "\$5,000" and insert "\$2,815.05."

Mr. BACHMANN. Mr. Speaker, I offer a substitute amendment for the committee amendment.

The SPEAKER pro tempore. The gentleman from West Virginia offers a substitute for the committee amendment, which the Clerk will report.

The Clerk read the amendment, as follows:

Substitute amendment for the committee amendment, offered by Mr. BACHMANN: Line 6, page 1, strike out the figures "\$2,815.05" and insert in lieu thereof "\$2,215.05."

The substitute amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer another amendment. The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BACHMANN: Page 1, at the end of the bill, insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANTHONY MARCUM

The next business on the Private Calendar was the bill (H. R. 3430) for the relief of Anthony Marcum.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, if the amount to be carried in this bill is cut to \$5,000 I shall not object. It now carries what would be the equivalent of more

than \$24,000 for an accident where there was certainly contributory negligence. If this were a case in a civil court and liability was conceded, the most that this boy could collect would be the amount of his earning capacity to his parents up to 21 years of age, yet under this bill the committee undertakes to allow him \$100 a month for 20 years, when there is very grave doubt as to whether he has a claim at all, due to his contributory negligence.

Mrs. ROGERS. Will the gentleman yield?

Mr. COLLINS. I yield.

Mrs. ROGERS. Yet if the boy should die, of course the payment of \$100 a month would cease at his death.

Mr. COLLINS. I understand; but if we pass this bill it simply means that \$5,000 will not be the limit in such bills, but a very much larger sum.

Mr. FITZGERALD. It may not be.

Mr. COLLINS. It will not be the limit, but \$25,000 plus will be the limit.

Mrs. ROGERS. He may not live very long. His case is a very pitiful one. He is in bed a great deal.

Mr. COLLINS. That is all right; but we ought not to set a \$25,000 plus limit in such cases.

Mrs. ROGERS. So far as the negligence is concerned, the negligence is all upon the part of the War Department. The War Department was grossly negligent. There were no signs there. I have had that investigated repeatedly. The Government should pay for this carelessness. I believe it should pay its debt to this child. His life is ruined.

Mr. COLLINS. I know the War Department states they had notices all over that area.

Mrs. ROGERS. But I have been there and I have never seen a notice. I have sent people there and they have never seen a notice, and Mr. George P. Campbell, the superintendent of the Massachusetts Industrial School for Boys, who lives near there, stated in a letter written to Doctor Bulkeley on February 8, 1929, the following:

DEAR DOCTOR BULKELEY: Answering your inquiry concerning conditions on the artillery range, which adjoins and partly includes the property of the State school, will say there is and never has been any signs except at the crossroads, apparently placed to warn automobile traffic during the season when the range is in use. There are no fences or no warning signs along an area some 2 miles long and half mile wide. Anyone wandering along the highway might easily turn off and into the danger zone without knowing it. Of course, during artillery firing guards are placed along the highway to prevent people from going in the lines.

We find it necessary to take special precautions each year and warn our instructors and boys not to cut across lots for fear of coming into the danger zone. The result of years of firing of artillery has left an area of some 20 acres or more covered with "duds" and unexploded shrapnel tops. From time to time some of our boys pick up these "duds." This is, of course, contrary to our instructions or without them having known the danger involved. On one occasion four 8-inch unexploded shells had to be destroyed by the authorities at Camp Devens after our lads had lugged them some 2 miles from the institution.

I have several times taken up these conditions with the authorities at Camp Devens, and they seem to have no interest or no authority to change them. The area covered by the artillery ground, which is more or less wooded and contains one good swimming and fishing pond, is the natural playground for the children from Shirley and Lancaster. Hunting, fishing, and the gathering of Mayflowers takes up a great many into this area who do not know, and have no way of knowing, the danger involved.

Very truly yours,

GEO. P. CAMPBELL, *Superintendent.*

Mr. COLLINS. But the War Department states they had notices there.

Mrs. ROGERS. But everybody else states to the contrary, and disinterested people state to the contrary.

Mr. COLLINS. This boy went there, picked up a shell, undertook to pick out some lead and the shell exploded.

Mr. GREENWOOD. I would like to make an inquiry of the chairman of the committee. I would like to know why the committee has provided for the payment of \$100 per month through the United States Employees' Compensation Commission instead of allowing the usual lump sum?

Mr. IRWIN. I think I can explain that. As a physician, I went pretty thoroughly into the merits of this case. You have here an injury to this boy's bladder, and the little fellow will never be able to attend to the calls of nature as he should.

Mr. GREENWOOD. But why should it be charged to the Employees' Compensation Commission? This is a clear case of personal injury growing out of negligence, and we have been

allowing a straight lump-sum appropriation and not charging it to the Employees' Compensation Commission.

Mr. IRWIN. The reason we did that was because we felt that due to this boy's physical condition he would not live very long and we would give him ample compensation while he did live.

Mr. COLLINS. If the boy is not going to live long, \$5,000 will mean more than \$100 a month.

Mr. IRWIN. We are protecting the Government by doing this and at the same time giving the boy adequate protection.

Mr. GREENWOOD. I do not yet see what connection this injury has with the Employees' Compensation Commission.

Mr. IRWIN. We had to direct it to some place, and if we were going to pay the boy a monthly compensation we thought it better to have the payments made through the Employees' Compensation Commission. That is the reason we have done that.

Mr. COLLINS. Will the lady from Massachusetts accept \$5,000 in cash?

Mrs. ROGERS. I realize that your objection can kill the bill, and apparently you will object to the bill as it is. Of course, I do not want to accept \$5,000 in cash in behalf of this injured boy, who is clearly entitled to more, but I do want to get something for him. It is such a just case, and he needs the money to pay for medical care. His family have no money. I wonder if the gentleman would allow the gentleman from Ohio to state what he discovered the courts had decided in similar cases.

Mr. COLLINS. I have read that in the report of the committee.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. COOPER of Wisconsin. I would like to inquire if the gentleman from Mississippi ever before heard of a boy 11 years old—

Mr. COLLINS. Twelve years old, but that does not make much difference.

Mr. COOPER of Wisconsin. Yes; it does. A boy 11 years old picking up a shell, looking into it, and the shell exploding and horribly maiming him for life; if the gentleman ever heard before of a boy of that youthful age being charged with contributory negligence, I never did.

Mr. COLLINS. Oh, yes.

Mr. FITZGERALD. Will the gentleman yield in order that I may make a statement before the matter is finally passed on?

Mr. COLLINS. Yes; I yield.

Mr. FITZGERALD. Mr. Speaker, ladies and gentleman of the House, I happen to be the chairman of the subcommittee to which this bill was referred. The usual practice was followed in this case, of examining the matter thoroughly, first, as to the negligence of the Government, and, second, as to the extent of the injury. The matter assumed such grave proportions that I called the leading Democratic member of the committee into conference, because this was the most hideous injury and the most serious matter that has come to the attention of the committee up to this time.

Mr. COLLINS. It is an injury that will attract one's sympathies, all right.

Mr. FITZGERALD. It is not a matter of sympathy at all; it is a matter of law. At the law library I had a search made of the civil cases and the damages allowed in cases of injuries of this kind. The gentleman will find in the report references to the courts awarding damages similar to the extreme amount which my friend from Mississippi has suggested this bill might carry.

Now, let us see what the circumstances are. This injury occurred at Camp Devens, a military reservation under the complete control of the United States Government. The Government, however, does not own the land. It is not fenced and no precautions were taken to prevent the public going upon it; in fact, the public seems to be invited upon it and it is a common resort for all the people of several towns in Massachusetts who go there, grown people and young people, to hunt, to fish, to gather flowers, and to use it as a playground. The superintendent of an educational institution located near Camp Devens testified it was a menace to the pupils and the school. It caused them great anxiety, and that there was difficulty in keeping the boys of the school from handling these dangerous instruments which are left strewn over portions of the grounds. This is not the first accident there, it is not the second, and it was not the last, for since then another boy has been seriously injured.

This boy was 11 years of age, not 12, as wrongly stated by a Government board—

Mr. COLLINS. Wait a moment. I want to correct the gentleman there. Here is the report of the Secretary of War—

Mr. FITZGERALD. Wrong, as the gentleman will find—

Mr. COLLINS. It says his age was 12.

Mr. FITZGERALD. I understand that, but that is wrong. We went into that. I want the House to realize that I do not care what you do with the bill. I never saw this boy; I do not care whether he gets anything at all; but I am concerned about this House realizing that the Claims Committee has thoroughly done its duty in this case, and I say to you that that is a false statement, and is not the only false statement in the Government report, because the Government report states it was the left hand of the boy that was blown off, and it was not; it was his right hand that was blown off, and not only the hand but a portion of the arm, and this little boy can not walk properly; he will never be able to walk properly. His hand is gone, and his sexual organs have been partially destroyed, and he is in such a condition that he not only can not walk properly and has no right hand but he must receive surgical treatment periodically all the rest of his life.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. SCHAFER of Wisconsin. Is it not the fact that the full Claims Committee spent several hours carefully considering this entire question when the gentleman's subcommittee reported the matter, and by unanimous vote of the members of the committee who were present we decided that the bill should be reported out in its present form and not as a lump-sum appropriation in order to properly protect the boy?

Mr. FITZGERALD. Yes. The feeling of the committee was so aroused after we had gone through all this evidence, which included further evidence secured by the committee beyond that offered by the sponsor of the bill, it was suggested in the committee that even a larger amount be allowed.

I now want to touch upon what my friend from Indiana [Mr. GREENWOOD] has asked with respect to the reason for placing this in the hands of the United States Employees' Compensation Commission for administration.

A few years ago we allowed \$5,000 because the hand of a boy, a little older than this boy, was blown off at Camp Knox, in Kentucky, in a similar manner; that is, by the explosion of a shell known as a "dud." This bill passed the House carrying a lump sum. It went to the Senate and the chairman of the committee in the Senate, to which the bill was referred, expressed the opinion that all these allowances of relief for young people should be placed under the United States Employees' Compensation Commission for payment in installments, so that if the beneficiaries died the payments would cease, and, secondly, so that there might be less likelihood of any exploitation of the wounded, maimed, and disabled children by designing persons.

Mr. GREENWOOD. I was merely seeking information. So far as I am concerned, I agree with the gentleman that the monthly payment plan in the case of a child that has to be maintained and has to have constant aid and attention, no doubt, is better than the payment of a lump sum. I wanted the information, not because I am opposed to it.

Mr. FITZGERALD. The reason was because the Senate insisted that this be the course followed and because the House did not have any objection.

I would like to say to my good friend, the gentleman from Mississippi, that irrespective of any objection which he may have to this bill or the amount in it, I would like to have his cooperation in some sort of procedure that will compel the War Department to remove this danger from unexploded shells. In this case the negligence was gross.

A careful search should be made for all unexploded shells and none should be left about on the ground where people, either young or old, resort. They are attractive. We had such accidents occurring on the battle fields and among people who went over the battle fields after the armistice. They are unusually fascinating to people of all ages. These "duds," these unexploded shells, should never be allowed to remain strewn upon the ground, and accident after accident has occurred, and the Congress has seen fit to pass legislation for the relief of the persons who have been injured, and it seems to me we should ask the War Department to take precautions to clean up and keep cleaned up these areas where unexploded shells are found. If they are not able to fence the ranges nor guard them, such precautions must be taken or there will be a constant recurrence of these accidents.

I may say to my friend from Mississippi with respect to the extent of this injury that a part of the sexual organs of the child has been blown away, he is lame, one hand and arm are gone, and he is further injured so as to need surgical treatment

through life, while the boy who received \$5,000 from this House lost only a hand. Constant surgical and medical attention must be given to this boy, and some one will have always to look after him. It is thought by those who know that this child may not live very long, but if he does live, who is responsible for the frightful, the horrible, the hideous condition in which this child is left, and who should support the child?

Mr. COLLINS. Mr. Speaker, I am not the spokesman of the War Department, but I do want their statement known, so I ask unanimous consent to insert in the RECORD a letter from Mr. Robbins, Acting Secretary of War, under date of December 29, 1928.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks by inserting in the RECORD a statement from the Acting Secretary of War, dated December 29, 1928. Is there objection?

There was no objection.

The letter referred to follows:

WAR DEPARTMENT,
Washington, December 29, 1928.

Hon. CHARLES L. UNDERHILL,

Chairman Committee on Claims, House of Representatives.

DEAR MR. UNDERHILL: In compliance with your request of December 14, 1928, I am pleased to submit the following report on H. R. 15370.

The subject of the proposed legislation is for the relief of Anthony Marcum in the sum of \$10,000, who was injured by the accidental explosion of a shell at Camp Devens, Mass., on or about May 6, 1928.

The records of the War Department show that on May 6, 1928, Anthony Marcum, aged 12 years, in company with another boy, Chester Cutmarsh, aged 12 years, while playing on the artillery range at Camp Devens, Mass., found an unexploded shell. Anthony Marcum pounded the shell, which exploded and shot away his hand. The other boy also received superficial injuries.

A board of officers was appointed to investigate the accident, and the findings in part are as follows:

"FINDINGS"

"The board finds that Anthony Marcum, of No. 1 Phoenix Road, Shirley, Mass., was trespassing on the target range of the Camp Devens Military Reservation on May 6, 1928; that the reservation was conspicuously posted with signs warning all individuals not to touch shells or other material on the reservations; that while endeavoring to secure lead from an unexploded shell the shell exploded, causing the loss to Anthony Marcum of his left hand and lacerating injuries to his pelvic organs; that the injuries so sustained by Anthony Marcum were the result of his trespass and his neglect in not complying with posted instructions; and that the United States Government is in no way responsible for his injuries."

A complete copy of the proceedings of the board is inclosed for your information.

If any additional information from the War Department is desired I shall be pleased to furnish it.

In this connection attention is invited to the well-established principle that the Government can not be held legally liable for the torts of its agents, and that any compensation to parties for personal injuries, except in Air Corps accidents, must be provided by a special act of Congress. The War Department has heretofore refrained from expressing an opinion as to the merits of proposed legislation in similar cases, and in keeping with that policy withholds a recommendation either for or against the proposed legislation.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to insert in the RECORD the statements of several people, and also the statement of his doctor, who undoubtedly knows more than the War Department as to whether it was his right arm or his left arm that was injured, and as to the degree of his disabilities. The War Department erroneously stated that the boy had lost his left arm instead of his right. The loss of the right arm is far greater than the loss of the left. The War Department has never protested against the enactment of the bill.

The SPEAKER pro tempore. Is there objection to the request of the lady from Massachusetts?

There was no objection.

The matter referred to above is as follows:

AYER, MASS., March 10, 1930.

Mr. ROY G. FITZGERALD,

Washington, D. C.

DEAR MR. FITZGERALD: Relative to the case of Anthony Marcum:

His permanent injuries consist of the loss of the right hand about 2 inches above the wrist, a fracture of the pubes with loss of bony tissue over an area about 1 inch long, a rupture of the perineal urethra, and extensive scarring of the right thigh with scar-tissue contraction, laceration of scrotum with resulting scar-tissue contraction.

The loss of the hand is, of course, permanent. The fracture of the pubes healed with slight deformity that interferes with free walking. The rupture of the urethra was repaired, but the repair was of necessity followed by a traumatic stricture. This gives him more or less difficulty in urination, and the stricture has to be stretched two or three times a year. This will be a permanent state and will need surgical treatment for the rest of his life, and additional operations may be needed. So far as I know there is no mental impairment.

I might add that three boys of the State Industrial school in Shirley were injured yesterday by an explosion of a "dud," one of the boys losing two-thirds of his right hand.

Very truly,

FRANK S. BULKELEY, M. D.

CASE OF ANTHONY MARCUM, SHIRLEY, MASS.

On Sunday, May 6, 1928, Anthony Marcum, a boy aged 10, and a companion of about the same age, were on the artillery range at Camp Devens, Mass. Some time between 1 and 2 p. m. they found a shell, played with it a while, and finally hammered it with a stone, with the expected result. Marcum's cries were heard and he was picked up and carried to the hospital of the State Industrial School for Boys at Shirley by some of the inmates of the school.

The following is a statement made by Dr. Frank S. Bulkeley, a reputable physician of Ayer, Mass.:

"I saw him there soon after 2 p. m. and found his injuries too severe to deal with at that spot. He was then moved to the Community Memorial Hospital at Ayer, Mass., taken direct to the operating room and etherized.

"The right hand with the exception of one-half of the index finger was blown off, both bones of the right forearm were shattered above the wrist, and the soft tissue badly lacerated. The right testicle was blown off, and the right half of the scrotum badly lacerated. There was a large irregular wound over the upper inner aspect of the right thigh, much of the skin over this area was destroyed, the muscle lacerated and disorganized. Over the inner aspect of the right knee was a similar wound. The wound over the upper part of the right thigh continued upward into the perineum, and penetrated about a finger's length into the perineal tissues but apparently did not enter the peritoneal cavity. The ram of the pubes were fractured, and fragments of bone could be felt, but were too firmly attached to make their removal advisable. Deep in the perineum could be felt a sharp-edged hard body, apparently a piece of shell, also too firmly wedged behind the symphysis pubes to make the removal advisable. The perineal urethra was severed at the peno scrotal junction and its posterior end could not be located. The right part of the foreskin was badly lacerated. At the upper part of the wound in the thigh the femoral artery and vein were exposed but not wounded. The key was in deep surgical (or traumatic) shock.

"The right forearm was amputated by antero posterior flaps at a point about 4 to 6 inches below the elbow. The wounds in the thigh and knee were cleaned, irrigated, and scrubbed with Dakin's solution and closed by suture in part. The wound in the perineum was cleansed, irrigated with Dakin's solution, and packed with iodoform gauze. The boy was returned to bed, given a shock enema (brandy, coffee, strychnia, and salt solution) and was also given one quart of subpectoral salt solution.

"The next 48 hours were very critical ones, but the boy rallied a little, and on May 8, in consultation with Doctor Sweeney, of Leominster, the bladder was opened above the pubes and a tube tied into it, thus relieving a complete urinary obstruction. I neglected to state that a full prophylactic dose of antitetanic serum was given at the time of first operation.

"Between May 8 and 18 the story was one of slow, gradual improvement, and on May 18 his condition seemed to warrant further surgical treatment. A fragment of shell roughly 2 inches by 1½ inches was removed from the depth of the perineal wound, several loose fragments of bone were removed, and an unsuccessful attempt was made to enter the bladder through the perineal urethra.

"On May 24 a second attempt was made to enter the bladder, also unsuccessful, but at this time a communication between the perineal wound and the rectum could be demonstrated.

"June 7 he was seen in consultation by Dr. George Gilbert Smith, of the Massachusetts general staff, and arrangements made to transfer him to the Massachusetts General Hospital on June 16 under the care of Doctor Smith. While there the urethral injury was repaired and open wounds on the thigh and knee were healed by skin grafting. Between May 8 and some date soon after June 15 all of the boy's urine passed through the tube tied in the bladder on May 8. He suffered a great deal of pain, lost a great deal of flesh, and several times seemed about to die. He remained in the Massachusetts General Hospital for about six weeks, leaving there about August 1, and returning for treatment in the out-patient department once a week until about September 1."

The following is a statement by Doctor Bulkeley concerning the boy's present condition:

"A well-nourished boy, with the right hand missing, amputated through the middle of the forearm.

"The upper half of the right thigh, on its inner aspect, shows an irregular scar, typical of those left after skin grafting.

"The inner aspect of the right knee shows a similar scar about 3 inches by 3 inches.

"The right testicle is missing and the right half of the scrotum is represented by wrinkled skin showing several irregular scars. From the peno-scrotal junction to a point about 1 inch in front of the rectum is an irregular depressed scar. The urethra admits a No. 12 soft kongie, encountering considerable resistance in the perineal urethra (a deep stricture).

"The scars and the missing right hand speak for themselves. The perineal stricture is a direct result of the urethral wound, will need dilation at intervals probably during the rest of the boy's life, certainly for many years to come. Failure to take care of this will result in urinary obstruction requiring further operative treatment."

HOUSE OF REPRESENTATIVES,

Washington, D. C., March 7, 1930.

Hon. ROY G. FITZGERALD,

Committee on Claims, House of Representatives,

Washington, D. C.

MY DEAR COLLEAGUE: I have your letter of March 5 concerning H. R. 3430, a bill which I have introduced in Congress for the relief of Anthony Marcum. You have requested a statement from me relative to the qualification of Dr. Frank S. Bulkeley and also with reference to the obtrusiveness of any warning signs about the fences at the rifle range, Camp Devens, Mass.

Doctor Bulkeley is known to me as a man of the utmost integrity, and I believe that any statements made by him in connection with this relief bill may be accepted as credible testimony by your committee. Doctor Bulkeley is the medical examiner of the tenth Middlesex district of Massachusetts and enjoys an excellent reputation in the community.

Relative to the lack of warning signs and fences around the rifle range, I am informed that a most thorough investigation was made by disinterested parties in February, 1929. At that time there were no warning signs except at the crossroads, as indicated on the map which I have submitted to the committee. I am also informed that there is an area 2 miles long and one-half mile wide, surrounding the range, which is protected neither by fences or warning signs. This information is furnished me from sources which I believe to be entirely reliable.

I am thoroughly convinced of the justice of this legislation and it will be deeply appreciated if favorable action may be taken by your committee. I might state that I have been to Camp Devens on numerous occasions and I have never noticed any warning signs around the rifle range.

Very sincerely yours,

EDITH NOURSE ROGERS.

MEMORANDUM TO COLONEL STEVENS IN THE CASE OF ANTHONY MARCUM, SHIRLEY, MASS.

At your request I went yesterday to Shirley, Mass., the scene of the accident to Anthony Marcum, injured while examining a "dud" shell in the artillery range of Camp Devens.

We went first to the State Industrial School and with Superintendent Campbell went down the road which leads directly from Shirley through the property of the State school to the artillery range property. We came to the scene of the accident to young Marcum without finding a sign of any kind, source, or description giving warning of any kind or other that it is an artillery range, or other danger exists of any sort. Superintendent Campbell states there have been no signs at any time and that when artillery fire is going on the only protection is a guard thrown around the road. In other words, anyone could wander from the main highway in search of berries or flowers or just for a tramp through the woods or fields with no knowledge of the dangers existing in unexploded shells. This is a good ground for wild berries and the situation as it exists to-day, in my mind, constitutes an exposed menace.

Adults may be expected to know the danger existing in playing with unexploded artillery shells, but such things are an open invitation to the curiosity of the young.

Other roads lead to this danger zone and there is a swimming lake in this vicinity which attracts many young people. Warning signs are posted on some of these roads, it is stated, but I made no personal investigation.

In regard to the second accident, in which several boys of the Shirley School were injured, it seems that one of the masters took a group through the woods for a tramp and that one of the boys picked up a small shell and brought it back with him. It was exploded in the basement of the school and several of the boys were injured. This shell was not picked up at the same point where the shell that injured young Marcum was found.

In conclusion, any investigation of the situation from the Shirley end into the vicinity where the artillery shells dropped, will show a

very grave existing danger in which the public is absolutely unprotected and unwarned. This applies, of course, only to the danger in unexploded shells allowed to be about to be picked up by whoever finds them.

COLIN MACDONALD,
Census Supervisor.

Mrs. ROGERS. Will the gentleman from Mississippi be willing to increase the amount by \$5,000 more? That would make the cash payment \$10,000.

Mr. COLLINS. Five thousand dollars is provided in other bills where injuries are even greater than this. The committee has reported a bill concerning a lady injured by an Army truck in Washington, standing on the sidewalk waiting for a street car, and the committee has allowed her \$5,000 for injuries, and her injuries were as severe as in this case. Five thousand dollars seems to be the accepted limit by the committee. If a more liberal practice is to be begun, and twenty or twenty-five thousand dollars is to be the limit let it apply to all. Under the circumstances I shall have to insist on the amount being reduced to \$5,000.

Mrs. ROGERS. Will not the gentleman agree to \$7,500?

Mr. COLLINS. No.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anthony Marcum the sum of \$10,000. Such sum shall be in full settlement of all claims against the United States on account of the loss by the said Anthony Marcum of the right arm and other permanent injuries incurred on the rifle range at Camp Devens, Mass., on May 6, 1928.

With the following committee amendment:

Page 1, line 5, strike out the sum of "\$10,000" and insert "\$100 per month during the lifetime of Anthony Marcum but not to exceed 20 years, and to be paid through the United States Employees' Compensation Commission."

Mr. COLLINS. Mr. Speaker, I move to amend by inserting "\$5,000" in the place of "\$10,000," and striking out lines 6, 7, and part of line 8, including the period.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. COLLINS: Page 1, line 5, strike out "\$10,000," and at the end of the line insert in lieu thereof "\$5,000." And strike out all of lines 6 and 7 and part of line 8, including the word "Commission."

Mr. SLOAN. Mr. Speaker, I move to amend the amendment by making it \$9,000.

Mr. COLLINS. Mr. Speaker, I thought we had an agreement to accept my amendment.

Mr. SLOAN. I was not a party to any such agreement as that. [Applause.]

Mr. COLLINS. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Mississippi makes the point that no quorum is present. The Chair will count.

Mr. GARNER. Mr. Speaker, I want to call the attention of Members to the fact that it is the duty of certain Members to examine these bills and enter objections where they think it would be proper to do so. Now if the gentleman from Mississippi rises in his place and says, "I will not give my consent unless you agree to a certain amendment"—if consent is given under that agreement and the House decides to violate that agreement, undoubtedly it would be his duty to object to any other bill coming up under similar conditions where an amendment was desired, so that such bills could not be considered. I suggest to the Members for their consideration that probably in the future bills in which an amendment is desired could not be considered.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. COOPER of Wisconsin. Would it not be proper under the circumstances to get the unanimous consent of the House to the agreement made between the two Members, and should not the Chairman put the question for unanimous consent of the House to this agreement? Otherwise it is not a unanimous agreement, if two men stand, one on one side of the aisle and one on the other, and agree to certain things.

Mr. GARNER. Let us illustrate the workings of the situation. If the gentleman from Mississippi [Mr. COLLINS] had not believed that the amendment would be accepted by the House, he would have objected to the consideration of the bill. Those

in charge of the bill thought it better to accept the amendment than a general objection. If in the future Members are going to offer amendments after a particular amendment has been agreed to, and they have given their consent, naturally Members will object. I rise to point out the difficulties that will present themselves if Members adopt a policy of this sort. These agreements are made in the hearing of every Member of the House, as this one was. If a Member does not want to agree to that, it would be his duty, it seems to me, to rise and say that he will not agree to it. That would have given the gentleman from Mississippi then an opportunity to say that he objected to the consideration of the bill, and that would be the end of it.

Mr. SLOAN. Mr. Speaker, if they desire to bind themselves so as to let one man do the legislating, then let them ask the House, so that we will understand that we are being estopped from raising any objection or offering any other amendment. I felt that this was such a flagrant case in every way that the gentleman's amendment should be amended, and I offered the amendment in good faith; but I say this to the majority leader, that after having done so I have consulted with the author of the bill, the gentleman from Massachusetts [Mrs. ROGERS] and, obedient to her wish, I withdraw my amendment with the permission of the House, but for no other reason.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn. Does the gentleman from Mississippi withhold his point of no quorum?

Mr. COLLINS. I withhold the point of no quorum for the present.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I move to strike out the last two words. As a member of the Committee on Claims I spent a great many hours looking into the merits of this bill, following the report of the subcommittee. That committee had spent a great many more hours studying the merits of the bill. I firmly believe that this proposed amendment will not do justice to the poor little boy. However, I realize the force of the argument presented by the Democratic floor leader, and also realize what prompted our distinguished colleague [Mr. COLLINS] to raise the point of no quorum. We all understand that the bill could not be considered at all without the consent of the entire membership of the House, including the gentleman from Mississippi [Mr. COLLINS]. He has been delegated as the official objector by the Democratic Party on this particular day. I do not think that I can criticize him, no matter how I feel about the merits of the bill, for insisting upon a full quorum being present if a new amendment is to be offered after the objecting stage has been passed. The lady from Massachusetts [Mrs. ROGERS] is up against a stone wall, and she realizes that it is \$5,000 or nothing, as the gentleman from Mississippi stated he would object to consideration if she would not accept his amendment. I appreciate her position. She accepted the amendment proposed by the gentleman from Mississippi in order to obtain some relief for this little boy. As a member of the Claims Committee opposed to the amendment suggested by the gentleman from Mississippi, after he had withdrawn his objection to the bill under the agreement entered into with the sponsor of the bill, I could not stand on the floor of the House and acquiesce in amendments offered to change the agreement that had been entered into between the gentleman and the lady from Massachusetts. If we should adopt a policy of that kind, there would be no use of having Members such as Mr. COLLINS and others studying these bills in order to perform the duties assigned to them as official objectors. Therefore, I shall offer no amendment liberalizing the amendment of the gentleman from Mississippi, neither shall I ask that his amendment be rejected. In view of the parliamentary situation, in view of the fact that the gentleman from Mississippi has been faithfully performing the duties assigned to him, and in view of his withdrawing his objection to the consideration of the bill, I believe the House should adopt his amendment, notwithstanding the fact that personally we are opposed to it.

Mr. COLLINS. Mr. Speaker, I withdraw the point of order that there is no quorum present.

Mr. FITZGERALD. Mr. Speaker, may I ask the gentleman from Mississippi to redraft his amendment to make it a limitation of \$5,000, letting the payments be made monthly as indicated in the bill?

Mr. COLLINS. I have no objection to that.

Mrs. ROGERS. Mr. Speaker, I very much prefer that the \$5,000 lump sum should be granted than to have so much a month paid.

Mr. COLLINS. Then I submit the amendment which I originally offered.

The SPEAKER pro tempore. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk read as follows:

Amendment by Mr. COLLINS to the committee amendment: Page 1, line 5, strike out "\$10,000" at the end of line 5 and insert "\$5,000," and strike out all of lines 6, 7, and 8 down to and including the word "commission."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the remaining committee amendments.

The Clerk read as follows:

Page 2, line 1, after the word "rifle," insert the words "and artillery."

Page 2, line 2, after the figures "1928," insert: " : Provided, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CENTRAL OF GEORGIA RAILWAY CO.

The next business on the Private Calendar was the bill (H. R. 6117) for the relief of the Central of Georgia Railway Co.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Central of Georgia Railway Co., out of any money in the Treasury not otherwise appropriated, the sum of \$2,984.74, with interest at 6 per cent per annum from August 16, 1920, to the date payment authorized by this act is made. The sum of \$2,984.74 represents the cost of repairs to a pile driver, owned by the Central of Georgia Railway Co., which was damaged while loaned by said company to the authorities of Fort Benning, Ga., and on August 16, 1920, while being used in repairing a washout on the railroad operated by the War Department between Fort Benning, Ga., and Fort Benning Junction, Ga.

With committee amendments as follows:

Page 1, line 6, strike out "\$2,984.74, with interest at 6 per cent per annum from August 16, 1920, to the date of payment authorized by this act is made" and insert "\$2,948.74."

On line 9, strike out "\$2,984.74" and insert "\$2,948.74."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ELIZABETH LYNN

The next business on the Private Calendar was the bill (H. R. 6227) for the relief of Elizabeth Lynn.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentlewoman from New Jersey [Mrs. NORTON], author of the bill, a question concerning this bill.

As I understand, in this case the claimant was standing on a street corner, waiting for a street car. A colored man driving an automobile, who had been under arrest, and who was intoxicated, lost control of his machine and ran into another automobile and swerved to the left and hit and uprooted a tree, the tree falling on and injuring the claimant. You are asking for \$5,000?

Mrs. NORTON. Yes.

Mr. BACHMANN. This injury happened on May 31, 1919. I find nothing in this case which tells anything about the nature of the damages which the woman sustained. There has been no examination, so far as this report shows, until February of 1929, almost 10 years later. There is nothing here to show what damages she sustained.

Mrs. NORTON. She sustained internal injuries. As a matter of fact, the bill originally called for \$10,000. It was objected to.

Rather than lose the whole amount the claimant consented to have it cut down to \$5,000.

I may state that she spent several months in the Garfield Hospital undergoing treatment subsequent to the accident. The Senate passed the bill in the Sixty-ninth and Seventieth Congresses.

Mr. BACHMANN. There is nothing in the report to show that.

Mrs. NORTON. There should be. There was an explanation made in the original report. This bill has been lost in the committee for the last two years. In the original report there was a statement as to the nature of the injury, which has absolutely incapacitated Miss Lynn. She has never since been able to continue her employment.

Mr. SCHAFER of Wisconsin. She also has a scar in her scalp 2½ inches long, and the injury resulted in traumatic neurosis.

Mr. BACHMANN. I know; but the report does not give us any information as to how you arrive at these damages. You are asking for \$5,000.

Mrs. NORTON. The original bill, as I said, called for \$10,000. She had many bills while in the hospital which she had to pay and her earning capacity since the accident has been destroyed.

Mr. SCHAFER of Wisconsin. You are acquainted with the case?

Mrs. NORTON. Yes. The only reason why she consented to the reduction of the amount from \$10,000 to \$5,000 is her great necessity and the trouble and delay arising in getting the claim paid.

Mr. BACHMANN. On that statement and in deference to the lady from New Jersey, I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, which shall be paid by the Secretary of the Treasury to Elizabeth Lynn for all injuries and damages and money expended growing out of injuries and damages received by her on May 31, 1919, at Fourteenth and Oak Streets NW., Washington, D. C., and which were caused by the falling of a tree which was uprooted when struck by a United States Army automobile, United States No. 2055, driven by Ellis Vernon Lynch, colored, making necessary an operation and causing great mental and physical anguish.

Mr. BACHMANN. Mr. Speaker, I offer the amendment which is usually attached to bills of this kind.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from West Virginia.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 3, insert the following: " *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

J. N. LEWIS

The next business on the Private Calendar was the bill (H. R. 6663) for the relief of J. N. Lewis.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. N. Lewis the sum of \$190 as reimbursement for damage sustained to Ford automobile while in official use of Bureau of Entomology of Department of Agriculture.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

HENRY SPIGHT

The next business on the Private Calendar was the bill (H. R. 8591) for the relief of Henry Spight.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Henry Spight temporary coupon bond No. 3184283, in the denomination of \$100 of the Third 4½'s, called for payment September 15, 1928, with coupons due September 15, 1918, to September 15, 1928, inclusive, upper portion of the bond having been forwarded to the Treasury Department May 1, 1924, the lower portion having been destroyed: *Provided*, That said bond shall not have been previously presented and paid; and that payment shall not be made hereunder for any coupons that shall have been previously presented and paid: *And provided further*, That the said Henry Spight, or some one for him, shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said bond and the interest which had accrued when the bond was called for payment, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the loss of the bond and coupons hereinbefore described.

With a committee amendment as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Henry Spight United States temporary coupon bond No. 3184283 for \$100 of the third Liberty loan 4½ per cent per annum bonds of 1928, with interest from May 9, 1918, to September 15, 1928, without presentation of the lower portion of the bond, or the coupons representing interest on the bond from May 9, 1918, to March 15, 1920, the upper portion of said bond having been presented to the Treasury Department without coupons and the lower portion being alleged destroyed: *Provided*, That the lower portion of the said bond and coupons Nos. 1 to 4, inclusive, shall not have been previously presented or ascertained to be in existence: *And provided further*, That the said Henry Spight shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of the said bond and the interest thereon from May 9, 1918, to September 15, 1928, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the mutilated bond hereinbefore described."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FRENCH COMPANY OF MARINE AND COMMERCE

The next business on the Private Calendar was the bill (H. R. 8836) for the relief of the French Company of Marine and Commerce.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$530 to the French Company of Marine and Commerce, in payment of its claims arising out of the fact that the captain of the *France* was fined by the immigration authorities on July 23, 1920, for submitting a crew list in a form which failed to contain certain data required by section 36 of the immigration act of February 5, 1917.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANCIS LINKER

The next business on the Private Calendar was the bill (H. R. 9123) for the relief of Francis Linker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. IRWIN] whether there is any objection to adding the usual amendment with reference to attorney fees?

Mr. IRWIN. Not at all.

Mr. BACHMANN. I would like to ask further, This is the foster mother of Charles Burke?

Mr. IRWIN. Yes.

Mr. BACHMANN. And she is claiming \$10,000 insurance which this boy had at the time of his death?

Mr. IRWIN. Yes.

Mr. BACHMANN. There are no other relatives?

Mr. IRWIN. No other relatives.

Mr. BACHMANN. The only possible chance the Government would take would be payment at a later time if some relative would appear and claim as beneficiary under this policy?

Mr. IRWIN. This baby was taken out of a foundling home 35 years ago. They have made diligent search and up to this time they have never been able to find any relatives.

Mr. BACHMANN. The gentleman from Illinois is satisfied that the Government will not be called upon at a later time to pay an additional \$10,000, if this bill is passed?

Mr. IRWIN. I am satisfied.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to pay to Francis Linker, the foster mother of Charles L. Burke, cook, Company G, Fifty-fifth United States Infantry, all such installments of money which she would be entitled to receive under policy T-755959, if the said Charles L. Burke, who died on January 2, 1919, from disease suffered in the military service of the United States, had named the said Francis Linker as his beneficiary under said policy. The first of such installments shall be paid within 90 days from the date of the enactment of this act.

Mr. BACHMANN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BACHMANN: At the end of the bill insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIEUT. COL. FRANK J. KILLILEA

The next business on the Private Calendar was the bill (H. R. 9246) to reimburse Lieut. Col. Frank J. Killilea.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to credit the accounts of the United States property and disbursing officer for the State of Massachusetts, Lieut. Col. Frank J. Killilea, the sum of \$632,000.

With the following committee amendments:

Page 1, line 3, strike out the words "Secretary of the Treasury" and insert "Comptroller General."

Page 1, line 7, strike out "\$632,000" and insert "\$632."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WALTER E. SWITZER

The next business on the Private Calendar was the bill (H. R. 2469) for the relief of Walter E. Switzer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the report from the Postmaster General in this case states unequivocally that the operator of the mail truck was in no way to blame; that the claimant was riding on a motor cycle at an excessive rate of speed; the lights on the mail truck were burning. I can not see any reason why the Government should voluntarily pay any sum of money to this claimant as a gift, and therefore I ask that the bill be passed over, or I will object.

The SPEAKER pro tempore. Objection is heard.

FRANCIS J. McDONALD

The next business on the Private Calendar was the bill (H. R. 2692) for the relief of Francis J. McDonald.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Reserving the right to object, this bill asks for the sum of \$25,000 because the Shipping Board, during the World War, refused clearance papers to this vessel which was under contract to deliver lumber in Italy. How does the gentleman arrive at the sum of \$25,000 after the owner of this vessel was sued in the United States court and judgment was returned against him in the sum of \$100,000?

Mr. COCHRAN of Pennsylvania. I would refer the gentleman to page 4.

Mr. BACHMANN. I have read the full report. I am wondering how the gentleman arrived at the sum of \$25,000, and what that sum is for.

Mr. COCHRAN of Pennsylvania. I can best answer that by saying that it seems to have been a sort of compromise.

Mr. BACHMANN. Whose compromise is it? Who made this compromise which set the amount at \$25,000 that is in this bill now?

Mr. FITZGERALD. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. FITZGERALD. I was chairman of a subcommittee which made an investigation of this bill. A thorough investigation convinced the committee that the Government official who interfered with the sailing of this vessel did it unlawfully; that the damages amounted to over \$100,000, but the Senate allowed only \$25,000 in the bill which passed that body. The Senate acted first, and, knowing the reluctance of the House even in the most aggravated matters to give adequate relief, the members of the Claims Committee were willing to accept the Senate figures. The beneficiary of this bill has actually been sued by people in Italy and a judgment recovered against him in the United States court and he has paid the money, and we are giving him back only a small part of his loss.

Mr. BACHMANN. As the gentleman is thoroughly familiar with the facts in this case, does the gentleman not think the bill should read that it is in full settlement of all of these matters?

Mr. FITZGERALD. It will be in full settlement as long as Congress stands by what it does now, but even if we said "in full settlement" we can not bind future Congresses. This is an act of grace, and, to my mind, those are idle words in any bill, but I have no objection.

Mr. BACHMANN. They may be idle words, but I think, for the protection of the Government, they should be in there—that it is in full settlement arising out of this claim or in connection with any damage he sustained.

Mr. FITZGERALD. Of course, there is no objection to an amendment of that kind.

Mr. BACHMANN. If that amendment—that it is in full settlement of all damages—is put in, so that there can not be any comeback, then I will make no objection, providing the usual provision as to attorney fees is inserted in the bill.

I notice that is in the bill, and I withdraw the reservation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill (S. 888). I notice that the Senate bill carries the amendment that the gentleman from West Virginia [Mr. BACHMANN] was anxious to have, "in full settlement."

Mr. STAFFORD. Mr. Speaker, may we have the Senate bill reported?

The SPEAKER pro tempore. The Clerk will report the Senate bill for information.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis J. McDonald, owner of the American schooner *Henry W. Cramp*, the sum of \$25,000, such sum representing losses sustained by the owner of the schooner because of the interruption of a voyage by reason of the intervention of the United States Shipping Board, effective August 21, 1917, causing the vessel to breach her charter party. The acceptance of such sum by the owner of the schooner shall be in full satisfaction of all claims of the owner in respect to such losses: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10

per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The SPEAKER pro tempore. Is there objection to the substitution of the Senate bill (S. 888)?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

MILDRED L. WILLIAMS

Mr. SWANSON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 445, H. R. 2887, a bill for the relief of Mildred L. Williams.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, has the Member who objected to the bill yesterday withdrawn his objection?

Mr. SWANSON. The gentleman from Mississippi is here and says he has no objection.

Mr. COLLINS. This bill relates to a man who was in the National Guard and was given a year's assignment in flying training. It was not a temporary assignment, as was indicated by the report, and all I had was the report upon which to act.

Mr. SCHAFER of Wisconsin. Upon further consideration the gentleman finds the bill is meritorious?

Mr. COLLINS. Yes.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, I want to ascertain whether the Member who objected to the bill yesterday has further investigated the case and has withdrawn his objection?

Mr. COLLINS. I was the one who objected.

Mr. SCHAFER of Wisconsin. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to pay, out of the appropriation "Pay, and so forth, of the Army," to Mildred L. Williams, of Atlantic, Iowa, widow of the late First Lieut. W. C. Williams, Jr., an amount equal to six months' pay of Lieutenant Williams, who was killed in an airplane accident March 30, 1928, while serving with the Twelfth Observation Squadron, Second Division, Air Corps.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. CHARLES H. HARLOW

Mr. WATSON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 405, H. R. 4660, a bill to authorize the President to appoint Capt. Charles H. Harlow a commodore on the retired list.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to return to No. 405 on the calendar, H. R. 4660. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, has the Member who previously objected to the bill withdrawn his objection after further consideration?

Mr. WATSON. The gentleman is on the floor and he can speak for himself. I would not ask to return to the bill if he had not consented that I do so.

Mr. STAFFORD. Reserving the right to object, is this the bill for the relief of Capt. Charles H. Harlow?

Mr. WATSON. It is.

Mr. STAFFORD. I had some question about it, but I will not press my objection.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, is this bill satisfactory to the regular Democratic objector, the gentleman from Mississippi [Mr. COLLINS]? It is my recollection he said on the floor of the House when objecting to a similar bill that he would not allow any of these bills to go through on the Private Calendar.

Mr. COLLINS. The gentleman has another bill in mind. This is a bill giving this gentleman a rank that is no longer known to the Navy Department. It is the rank of commodore, and the rank of commodore does not exist any longer. It is just an honorary title which the gentleman in whose behalf the bill has been introduced wishes. It will cost the Govern-

ment no money and is not an advancement to a generally known existing rank.

Mr. SCHAFER of Wisconsin. I shall object unless the author of the bill can furnish some information and some facts which would indicate that it is necessary and just to pass the bill.

Mr. STAFFORD. I think the gentleman will have no difficulty in doing that.

Mr. COLLINS. I thought I had explained it to the gentleman.

Mr. SCHAFER of Wisconsin. What did the beneficiary under this bill do which requires Congress to pass a special bill making him a commodore on the retired list?

Mr. COLLINS. The position of commodore is one that does not exist any longer in the Navy.

Mr. FISH. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. FISH. Is it not a fact that in the gentleman's State of Mississippi they call them colonel and commodore without any act at all? [Laughter.]

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, I will ask the author of the bill to furnish the House with some facts and information which would justify Congress in taking the action proposed under the legislation in question?

Mr. WATSON. In the first place, Captain Harlow, for eminent and conspicuous conduct in battle in the Spanish War, was advanced two numbers, and by reason of this advancement in rank he became an extra number in the grade. He made his application before the act of 1912. Because he had been advanced two numbers he could not be made a commodore. Therefore we must apply to the President to make that appointment.

Mr. SCHAFER of Wisconsin. And it was no fault of his own?

Mr. WATSON. It was no fault of his whatsoever. The only fault was that he gave extraordinary service to the Government and because of this extraordinary service he was advanced two numbers in grade and therefore could not be made a commodore. The gentleman no doubt is familiar with the plucking system instituted by the Department of the Navy.

Mr. SCHAFER of Wisconsin. In view of the statement of the distinguished gentleman from Pennsylvania, which seems to justify the passage of the bill, I withdraw any objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report a similar Senate bill, S. 3910.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Capt. Charles H. Harlow (retired), United States Navy, a commodore on the retired list of the Navy: *Provided,* That nothing contained herein shall entitle Capt. Charles H. Harlow to any back pay or allowances.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ROBERT R. STREHLow

Mr. SEARS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 388, the bill (H. R. 7464) for the relief of Robert R. Strehlow.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to return to Calendar No. 388, the bill (H. R. 7464) for the relief of Robert R. Strehlow. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, has the Member who objected on a prior calendar day withdrawn his objection?

Mr. COLLINS. I may say to the gentleman from Wisconsin that the situation is this: When I objected to the bill yesterday I understood this man was traveling on a train and lost his baggage, which the report indicated, and I felt that under such circumstances he had no right to expect the Government to pay the claim, but I have since found that this man's baggage was stored along with the baggage of some others at the instance of the Government, and when he came back for it, it was gone, and therefore the claim is a reasonable one.

Mr. SCHAFER of Wisconsin. How much is involved in the bill?

Mr. SEARS. One hundred eighty-seven dollars and sixty-five cents.

Mr. SCHAFER of Wisconsin. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of funds in the United States Treasury not otherwise appropriated, the sum of \$187.65 to Robert R. Strehlow, being a settlement in full for baggage and personal property lost while he was in the service of the United States Army during the late war.

With the following committee amendment:

Page 1, line 6, strike out "Strehlow" and insert "Strehlow."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

UNIVERSAL SERVICE

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered in San Francisco, Calif., by O. L. Bodenhamer, national commander of the American Legion.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by the national commander of the American Legion in San Francisco, Calif. Is there objection?

There was no objection.

EXCERPTS FROM UNIVERSAL DRAFT PORTION OF NATIONAL COMMANDER O. L. BODENHAMER'S SPEECH DELIVERED IN SAN FRANCISCO, APRIL 18, 1930

We hear a great deal to-day about peace and about preparedness. The Legion talks of peace, and the Legion talks of preparedness. But over and above the question of naval strength, and over and above the question of the standing armed forces of land and air, there is still a greater and more fundamental principle on which must rest any real preparedness, and any adequate national-defense program. Likewise, that principle is essential to the promotion of peace. Call it what you may—universal draft or universal service or what not—that fundamental principle is wrapped up in the spirit of union and unity—the spirit of one for all and all for one.

The service of capital and material and of man power is essential to the ultimate success of modern warfare. Not only are these three vital forces essential to a quick and successful conclusion of war but they would, likewise, prove effective in preventing war, provided a plan for their proper use and coordination were made effective, during the time of peace. With such a fundamental principle written into the law of our land, the first great guaranty of permanent peace will have been established.

Former President Coolidge made this statement: "Undoubtedly one of the most important provisions in the preparation for national defense is a proper and sound selective service act." Now, I am not presenting to you for your consideration any definite plan for such a selective service. I am, however, asking that you consider the justice and equity of the principle which underlies what many of us call the universal draft. We must admit that the burden of war is the Nation's burden. It therefore should fall equally upon all men and upon all property. There should be no profit in war. War is a national sacrifice, and every citizen and the property of every citizen should join in that sacrifice. But such has not been the case in the past. And the Legion says to the American public that we ought to have a system of national defense in which it will be impossible for any one element of our people to profit by the waging of war. The present situation is very much as follows: The soldiers don their uniforms; go to war; risk their lives; work for menial pay; return to their homes and then help pay the war bills. Now, if there is to be equal responsibility in paying the war bills, then there should be equal service and equal responsibility during the time those war bills are being created. If all men and all property are to share equally after war in paying the war debt, then all men and all property should serve equally during the time of conflict. Surely no one can argue successfully to the contrary. Let us, therefore, insist that our national defense program be so prepared that all citizens and all property shall bear the equal punishment of war if war shall ever come again. Let us pay in materials as well as in men.

Now, my friends, this is a matter of vital importance at this time. Eleven years have passed since the signing of the armistice. Year after year the Legion calls attention to the equity and to the importance of this universal service principle, and year after year nothing is done. If the principle is correct and fair and just, then it should be written into the law of the land at this time, rather than to wait until a national emergency should arise. Just as the principle of universal draft was imperfectly put into effect during the war so will it be adopted

again, perfectly or imperfectly, in case of another war. Why is it not wise, therefore, for us, in time of peace, to sit down around the conference table and determine upon a plan which will be fair and more nearly perfect than any possible plan which might be agreed upon during the stress of war?

And this is just what the Legion is asking for to-day. Assuming that the principle of universal draft is correct, we believe that the various elements of our national life should come together and speak frankly and dispassionately relative to this important matter, and then and there a plan should be determined upon which would govern our Nation in the use of our capital and material and man power in the event of another international conflict. Believing that a definite understanding between capital, industry, transportation, labor, and man power can be more quickly and satisfactorily reached by conference rather than by long-distance argument, the Legion is in favor of a resolution, such as the Reed-Wainwright resolution, which calls for the creation by Congress of a special commission to study this problem. The proposed commission would seek to agree upon a plan. This special commission would be composed of Members of the Senate and House, and representatives of labor, capital, and other elements concerned.

What plan of procedure could be more equitable to all parties concerned than this? Certainly, the Legion does not favor, and would not favor, any plan which would put an unfair burden upon any one element of our national life. When a bill was presented in Congress a few months ago to draft man power, and man power alone, the Legion was prompt to speak its opposition. The bill was withdrawn immediately. The Legion will be just as prompt in objecting to any proposal which would subject any one element of American life to an unfair burden of war. In time of war no man has a right to roll in the lap of luxury, while another of his comrades rolls in the mud and in the mire of the battle field. Such conditions and tendencies as existed in the recent World War are undemocratic in nature, and should be and can be corrected to a large extent by passage of a proper selective service act. Conditions which permit of profiteering are out of accord with the principle of American democracy. Such profits add to the Government's cost in the prosecution of the war. A universal draft would have a tendency to prevent such profiteering, and would thus reduce the cost of war and the resulting taxation necessary to retire such cost. Now, military authorities agree that the existence of the universal draft law prior to the beginning of the World War would have reduced the cost of that war to America by millions upon millions of dollars, thus reducing the burden of taxation to all American citizens.

In view of these facts, therefore, it is my firm conviction that a law should be written, and written now, which would coordinate and control every man, every industry, every natural resource, and every manufacturing enterprise into the service of a common cause in case of another war. If you will do that you will take the profit out of war, as nearly as it can be taken out of international conflict. You will take the burden off the shoulders of the men who carry the rifles and distribute it equally as between the citizens, whether in or out of uniform. When such a principle is written into the law of the land and made available for use, during the time of national emergencies, then, in my humble opinion, we will have a fundamentally well-prepared nation, because all would serve and, at the same time, a sincere and peace-loving people, because there would be none who would favor a declaration of war except to defend our native land or to preserve our national honor.

THE CHAIN STORE

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of chain stores.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the Record on the subject of chain stores. Is there objection?

There was no objection.

Mr. CULKIN. Mr. Speaker, ladies and gentlemen of the House, the enactment of the Kelly-Capper resale price bill (H. R. 11) now pending in the Rules Committee is, to my mind, of vital consequence to America, both from economic and social standpoints. All students of trade and distribution have witnessed the miraculous growth of the retail chain store organizations throughout the country. This development of chain stores spells death to the independent retailer in practically every field of merchandising. These widespread selling outfits, buying as they do in bulk, with no community overhead, have an unfair economic advantage over the independent retailer; and unless he can be saved we are facing social and economic readjustment, both at the crossroads and in the great centers of population.

The issue is a highly controversial one, but I believe the Members of this House are generally of the opinion that if community life is to survive, some statutory safeguard and aid must be given to the independent retailer. The House, as I sense its temper, feels that the chain store, unless checked, in time will not only drain rural communities and cities of their available capital but will even impoverish whole States.

The Kelly-Capper bill was introduced in Congress in 1926 and the principles embodied therein are familiar to the Members of this body. The caption of the bill recites the case. It is as follows:

To protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand, or name.

The principal provision of the bill is brief and the authority conferred by virtue thereof is as follows:

That no contract relating to the sale of a commodity which bears (or the label or container of which bears) the trade-mark, brand, or trade name of the producer of such commodity, and which is in fair and open competition with commodities of the same general class produced by others, shall be deemed to be unlawful, as against the public policy of the United States, or in restraint of interstate or foreign commerce, or in violation of any statute of the United States by reason of any agreement contained in such contract.

That the vendee will not resell such commodity except at the price stipulated by the vendor.

The bill then recites certain exceptions to the foregoing rule providing for a resale in the event the goods are damaged, deteriorated in quality, or are part of stocks sold by virtue of a court order for the benefit of creditors.

JUSTICE HOLMES'S DISSENT

This bill makes legal what is now condemned by the courts. In 1910 the Supreme Court of the United States, in the case of *Dr. Miles Medicine Co. v. Park & Sons Co.* (220 U. S. Rep. 373), held that agreements and combinations between manufacturers and dealers, having for their purpose the fixing of prices, were illegal, injurious to the public interest, and void. It held in substance that where commodities have passed into the channels of trade and are owned by dealers, the public is entitled to whatever advantage may be derived from competition in subsequent traffic. This majority opinion is an able one, based on precedent, and is now the law of the land. The court was not unanimous, however, and a minority opinion was filed by that able dissenter, Mr. Justice Holmes. His language is vigorous and incisive, and the principle laid down in this dissenting opinion is the genesis of this pending measure. Justice Holmes stated:

I can not believe that in the long run the public will profit by this court permitting knaves to cut reasonable prices for some ulterior purpose of their own, and thus impair, if not destroy, the production and sale of articles which it is assumed to be desirable that the public should be able to get.

We have heard a good deal of late about the minority opinion becoming the majority opinion. This has been the history of our jurisprudence in matters involving social progress and broader definitions of human rights. It has been especially true of the remarkable forensic foresight which has characterized the notable dissents of Justice Holmes. It is not too much to say that these historic dissents amount almost to prophecy of what is certain to finally become the law. In saying this I voice no disrespect or criticism of the majority of the court, but desire to emphasize the psychic ability of this extraordinary man to peer into the future and to forecast the social and economic needs of the Nation.

The sponsor for this bill, Mr. KELLY, of Pennsylvania, in a most able presentation of the case to the Committee on Interstate and Foreign Commerce some four years ago, outlined the benefits that would come to the manufacturer, the retailer, and the general public through the instrumentality of this measure. May I say that my colleague from Pennsylvania (Mr. KELLY), besides being an able lawyer, is, in legislative matters, essentially socially minded. He stands primarily for the welfare of all the people and not for any group or class. His vigorous advocacy of the measure gives it prestige and standing. In that hearing the gentleman from Pennsylvania enumerated nine distinct, substantial national benefits that will flow from this legislation. With his permission I cite four of them and feel that these are sufficient to justify the House in giving its support to this measure. They are as follows:

1. It encourages and protects the policy of making standard, guaranteed goods. This assured uniform quality saves the buyer's time and makes possible higher labor and factory conditions.
2. It will prevent malignant price warfare upon certain widely wanted standard products, which causes many dealers to refuse to handle them.
3. It will hinder the process of monopolization of retail merchandising.
4. It will stimulate the national growth of business and enterprise. Americans are entitled to the best articles at lowest prices. Mass production under standardized methods make this a certainty.

THIS MEASURE WILL STIMULATE INDUSTRY

It is obvious that this bill does not touch or attempt to regulate the price of food. It does prevent the chain stores and the fly-by-night concerns from using a standard or trade-marked article which is in fair and open competition with commodities of the same class produced by others from being used as bait to lure the unsuspecting public into their premises where they are selling something "just as good." This is the conventional procedure of the group who have been characterized as "knaves" by Justice Holmes. This group is ruthlessly destroying the good will and salability of many standardized articles.

I can give the House a concrete illustration of this. In my district there is a plant manufacturing a certain brand of merchandise which is of recognized merit and has a good will created in part by a national advertising program which costs the concern approximately \$500,000 per year. It is the sole industrial activity of a community and every facility for educational and cultural growth is given to the employees. They are compensated above the average, generous provision is made for health activities, and a pension provided for retirement when they have reached a certain age. I said that they produced a standardized article in large quantities which is sold on the market at a remarkably low figure, considering its artistic value and utility. The chain and department stores advertise this product below production cost and thus break down and destroy its proper selling value. This bill will give protection to this concern from unwarranted and dishonest commercial practice. It will assure the continuance of this plant in business with resulting benefits to 500 workmen, their wives, and children. The condition above described applies to industry in the entire United States. Thousands of legitimate concerns with substantial pay rolls will be destroyed by these pirates of the business world with resulting loss of employment to hundreds of thousands of men and women unless this law is passed.

DOES NOT CREATE MONOPOLY

The suggestion is made that this legislation will create a monopoly and result in an increase in prices. This is an erroneous idea. This statute protects only commodities in fair, open competition. At the present time the law does not prohibit price fixing through selling organizations.

The automobile is the most notable example of this and the automobile, under this price-fixing procedure, has steadily gone up in quality and down in price. Good cars, either new or secondhand, are now within the reach of all our citizens. It is doubtful if that would have been so if they had not been marketed at fixed prices through selling agencies. This statute authorizes the same protection in the case of the manufacturer who is unable through the character of his product to establish selling agencies for his wares.

MEASURE WILL AID THE INDEPENDENT RETAILERS

It is my honest belief that this measure likewise will help save the day for the local retailer. It is my honest belief that this measure will aid in the maintenance of community life as at present organized.

But the independent must not be lulled into the belief that legislative enactment alone will save him. His case depends even more largely upon his own initiative, industry, and energy. His present precarious situation is due to the tremendous economic waste in distribution. This is aggravated to a more serious extent by his failure to so organize his group that he is able to participate in mass buying and mass distribution the way the chain organizations do. President Hoover is quoted as saying that no less than \$8,000,000,000 is lost annually through inefficient marketing. A large part of this loss is due to the present procedure in retail business circles. In my judgment, the time is now ripe for the independent retailer and wholesaler to mass their buying powers through cooperative procedure and successfully meet the chain store by bringing about reduced prices.

It is stated that about 4,000,000 men are engaged in the retailing business in America and that 3,000,000 of these are independents. The force of numbers and buying power is therefore still in the hands of the independents, and they can hold the fort by the application of mass buying and mass distribution. Such procedure would eliminate the tremendous waste that now handicaps the local retailer and would put him economically on all fours with the chain. The independent retailer, furnishing as he does a delivery and credit system which appeals to many groups, provided he sets up in addition the machinery of cooperative buying, has nothing to fear. His fate is in his own hands, and this statute, if enacted, will cure one serious handicap of his present grievous situation. The detached retail grocer and druggist will continue to carry stocks that meet the demands and convenience of their patrons. This

has never been the practice of the chain. The chain drug store and the chain grocery store now carry a limited stock of selected items which are certain to meet with rapid turnover and have left the burden of carrying a wider range of stock and drugs to the private retailer. Who, for example, would think of taking a prescription to a chain drug store? If by chance a citizen does, he is frequently advised that some of the ingredients to be compounded are not in stock, and he then wends his way to the retail druggist where personality plus skill is invariably found.

THE GROWTH OF THE CHAIN STORES

The service of the chain store is now extended to all types of merchandise. They have invaded the retail field in the merchandising of groceries, tobaccos, drugs, men's and women's clothing, shoes, meat, candy, dry goods, gasoline, and oil. No field has been left untouched, and they are to be found the country over in every retailing enterprise. In another 10 years at their present rate of growth the chains will control retailing in America.

It is not too much to state that, influenced by the present-day instinct for consolidation and merger, in another 10 years, unless the independent retailer is given statutory support such as presented by this bill, that one concern will control the drug field, another groceries, another dry goods, with a probable ultimate merger of all into one gigantic chain, which will be in a position to dictate retail prices to the people of America. When that day comes the local retailer will pass, and he will be replaced by a race of clerks lacking in initiative, who dress their windows by schedule, and in whom all individual ambition has been destroyed. What will be the effect of this upon the country? To measure correctly the economic and social disaster that will follow the passing of the retail merchant, it is necessary to estimate the part he has played in the upbuilding of civilization.

THE MERCHANT'S PART IN CIVILIZATION

Harvard University has inscribed in stone over the entrance to its business school the following:

The oldest of the arts; the newest of the professions.

This is an apt and exact definition, for business has had a tremendous effect upon the affairs of civilization for many centuries. Randall in his book *Our Changing Civilization* states:

It was the commercial middle-class that engineered the legal and constitutional revolution of the eighteenth century, under whose forms we still live. It was commerce that presided at the introduction of the machine and bent it to service of profit and gain. Our economic organization has of necessity adapted itself more or less adequately to the needs of machine production, but the underlying structure it still retains arose in a commercial, not a machine age, and was designed to serve the interests of merchants and investors first of all.

The rise of the great cities of the Middle Ages with guaranteed liberty was the work of the tradesman. They were the backbone of the movement for civic advancement. In France the bourgeois group then and now constitute the controlling power within the State. This is likewise true of England. Napoleon recognized the power and influence of the business group in England when he contemptuously called that country "A nation of shopkeepers." It was these shopkeepers who stood back of the English Government, brought about the fall of Napoleon at Waterloo, and thus saved Europe from military despotism.

THE AMERICAN RETAILER

Here in America the retail merchant was a potent influence in the political field during the Revolutionary period. The first retailers were the traders who pioneered the woods before the settlements came. In the development of America, past and present, the retailer has had a tremendous social and political part. In community life everywhere they are the backbone of church organizations. The retail merchant largely supports the local hospitals, the fraternal organizations, service and social clubs, and all other charitable activities. The solicitor for such various and worth-while activities as the Boy Scouts, Red Cross, Young Men's Christian Association, and other activities that stand for community betterment makes the store of the retail merchant his first port of call. Incidentally, a worthy cause is never rejected by the community-minded retailer. But let the selfsame solicitor visit the chain store. Its managing clerk tells him that he has no authority in the premises and he will have to communicate with the headquarters of the chain 1,000 or 2,000 miles away. The local merchant educates his children in the professions, arts, and sciences. From this blood we recruit much of our leadership to-day. He is an outstanding influence, not only for civic but for political betterment. He is

invariably a useful and constructive citizen. He is frequently called into the public service, and acts on the school board or in other municipal activities without pay.

Nor is this the only service of the merchant to community life. There are also certain of the humanities in the picture. Take the case of John Smith, who is taken ill. He has a wife and five small children depending on him for support. The family income stops and he desires credit from the retailer pending his return to health and employment. Based on his record of honesty and payment, the merchant extends the credit and John Smith is tided over his adverse days. Financial help is frequently extended by the local retailer to his customers who are in temporary monetary distress. Chain stores are impersonal and no such accommodation is possible there. In many other ways does the local retailer in direct and indirect matters serve the community. The local retailer is, perhaps, a director in the local bank or building association and gives freely of his time in the upbuilding of the community. His profits are invested locally or on deposit in the local bank.

CHAINS WILL DESTROY COMMUNITY LIFE

On the other hand, the receipts of the chain store remain in the town overnight and then are sent on to some distant city. This procedure is draining the communities dry by the withdrawal of profits from circulation. This is one of the most pernicious results of the outside chain. In a recent article on Effects of Chain Operations on Community Welfare, Lieut. Gov. Henry A. Huber, of the State of Wisconsin, states:

Community life is being robbed of its profits and its industries. Chain stores, chain oil stations, chain drug stores, chain insurance companies, and mail-order houses are taking the profits of the storekeeper and the farmer and the business man of Wisconsin and distributing outside of the State.

Blind, indeed, is he who can not decipher these fundamental economic facts. A mere reading of them should convince any person that it is time Wisconsin awoke and protected its own people, its own industries, its own business men, and its own profits. It is time that the links of the chain shackle were broken.

Governor Huber further states that during the period from June 1, 1929, to October 4 of the same year bank deposits in Wisconsin fell off \$26,000,000, and he attributes this mainly to the withdrawals by—

The hole-in-the-wall chain stores, which have little invested, pay comparatively little in taxes, and make no contribution to community progress.

This measure will help to cure these conditions and save the retail merchant from the savage competition which he is now confronted with. I desire to emphasize that I am not speaking for the inefficient retailer. His doom is sealed and he must pass out of the picture. I am speaking for the retailer who is well equipped by temperament and qualities of application to give proper service to the public and to sell his wares at proper prices.

EFFECT ON AGRICULTURE

It is my firm belief that a losing battle on the part of the independent retailer will result disastrously to the farmer when he carries his products to market. The present procedure of the chain is to force the farmer to send his products to central points, where, by virtue of its great buying power, the chain is able to force down the price. The products thus purchased are then transferred by truck to the chain stores throughout the State in question. With the independent in the saddle the farmer finds near home a ready sale at a fair price for his vegetables, his eggs, and his poultry, so that agriculture has much at stake in the maintenance of the independent in the buying and distributing fields.

EFFECT ON LABOR

The chain is equally disastrous in its effect on industrial wages. The chain-store buyer goes to the manufacturer of a standard article and makes him a proposition to take a large portion of his output at a low figure. This is the basis upon which the chain store works; namely, to purchase in mass and distribute in mass. He drives a hard bargain with the manufacturer and the manufacturer like all mortals thinks of himself first and passes on the decrease in the price to his workmen. This is not a psychological proposition but an actual fact. As I have heretofore stated, copyrighted and standardized articles which the chain or department stores frequently use as bait mirror in their low prices a reduced wage to the industrial worker. As the buying power of the chains increase they will more and more vigorously dictate prices to the manufacturer. Failing this, they will build a plant alongside of him and engage in manufacturing the particular article themselves. In either case it will result in a reduced wage to the industrial group and a consequent reduction in comforts and clothes and

food and education for his children. Of what avail will the nominal saving which the industrial worker now makes in the chain stores be to him under such circumstances?

MERGER OF EXISTING CHAINS

There is another phase of this question to which I have already briefly alluded. That is the merger of these various chains into one great buying and distributing unit. One of the outstanding characteristics of American business is the genius for consolidation. The chains are now actively engaged in some 40 distinct fields and do on an average about 30 per cent of the total annual volume of business in America. They are fully organized and more successful in some phases of retailing than others.

In the dairy and poultry produce business they do 44 per cent of the selling, while in the grocery and delicatessen fields they do 41 per cent of the business. They flourish in the field of luxuries. In the cigar and tobacco field they are already doing approximately 36 per cent of the business, and in the confectionery and soft-drink field they do approximately 35 per cent of the retailing. Most of these concerns sell their stocks on the stock market and it is too much to hope that they have not included a liberal quantity of water for good will and other intangible assets. What was done in the stock market to Piggly Wiggly is known to the Members of this House. The future will be a history of merger with resulting high prices to the consuming public when they have driven the independent retailer from the field. Then monopoly will come. The business of the country will be centralized in a few hands and the consumer will be at the mercy of the super trusts thus established.

CHAINS WILL DESTROY COMMUNITY LIFE

All of this spells disaster to our social order. This measure is the first gun in the battle to save American community life in many of its most desirable and historic phases. It will likewise aid in safeguarding the rights of the American consumer. The suggestion that it militates against him is wholly erroneous. It will save to the independent retailer in all fields a place on the economic firing line and in doing this it will maintain and keep alive the community life upon which our civilization is builded and our form of government depends.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business in order on next Wednesday be in order on next Thursday instead of Wednesday.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business in order next Wednesday shall be in order on the following Thursday. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, as I understand, the gentleman intends to take up the Muscle Shoals bill on Tuesday?

Mr. TILSON. That has been announced heretofore.

Mr. GARNER. And there are three hours of general debate and one amendment proposed to the bill. Is it the gentleman's purpose to continue the consideration of the Muscle Shoals bill on Tuesday and Wednesday, if necessary?

Mr. TILSON. If this request is granted; yes.

Mr. GARNER. And if the consideration of the Muscle Shoals bill is concluded on Tuesday, what calendar will the gentleman take up on Wednesday?

Mr. TILSON. I am going to ask unanimous consent that following the completion of consideration of the Muscle Shoals bill the Consent Calendar may be called, without suspensions, beginning where the call left off the last Consent Calendar day.

Mr. GARNER. Mr. Speaker, I wanted to bring that out because I had already talked with the gentleman about it. Let me say for the RECORD now, once more, and again, I believe the gentleman from Connecticut owes it to the membership of the House to see that every bill on the Consent Calendar is called, as well as every bill on the Private Calendar.

Where there is no objection to legislation surely we can find time for the House of Representatives to give its consent to the passage of these bills.

Mr. TILSON. Such is my desire, and I have been making every reasonable effort in that direction.

Mr. GARNER. The gentleman knows that I have been calling attention to this for the last 60 days. It will take three more days to reach the end of the Private Calendar.

Mr. TILSON. We have had two days for the Private Calendar this week.

Mr. GARNER. I know it.

Mr. TILSON. And we have had two days on the Consent Calendar, as well as two days on the Private Calendar.

Mr. GARNER. I think this session should not adjourn without all bills being called on the calendar where there is no objection to them.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut that Calendar Wednesday business be in order on Thursday?

There was no objection.

Mr. TILSON. Now, Mr. Speaker, I make the second request that on Wednesday, after the completion of the Muscle Shoals bill, it may be in order to call the Consent Calendar without motions to suspend the rules, beginning where we left off when this calendar was last called.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. GREENWOOD. Reserving the right to object, there are about two bills left on the Consent Calendar compared with the number on the Private Calendar. Has the gentleman any arrangement as to when the Private Calendar will be called again?

Mr. TILSON. I think the proportion of bills left on the Consent Calendar is greater than it is of bills left on the Private Calendar. There may not be so many in number, but they require a longer time on the average for their consideration.

Mr. GREENWOOD. But the gentleman has not fixed any time when the Private Calendar will be taken up again?

Mr. TILSON. No; but when the time is available the Private Calendar will be taken up again if I can have my way.

Mr. HUDSON. Will the gentleman yield? Would the gentleman be willing to give us an evening session, say, some time next week, to consider the Private Calendar? There are bills on there that were not reached the last session.

Mr. TILSON. With the Muscle Shoals bill coming on Tuesday and Wednesday, I doubt if we ought to do that. I see no prospect for an immediate adjournment, so probably there will be plenty of time.

Mr. HUDSON. We might get these bills passed and sent over to the other body.

Mr. TILSON. We have sent over about 500 bills that have not been considered.

Mr. STAFFORD. Only 10 of the 500 sent over there have as yet been considered.

Mr. GARNER. May I ask the gentleman from Connecticut another question. What are you going to do on Monday next?

Mr. TILSON. The first business will be the conference report on the War Department appropriation bill. When that is finished it is my hope that we can take up business on the calendar for the District of Columbia.

Mr. GARNER. Has the gentleman any idea as to the order in which those bills are to be taken up?

Mr. TILSON. No; heretofore I have asked the chairman of the District of Columbia Committee to give me a list of the bills that he intends to take up, but this time I have not done it and so have not received the list.

Mr. SCHAFER of Wisconsin. Is it proposed to take up the increase pay bill for the policemen and firemen?

Mr. TILSON. I can not answer the gentleman as to that.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

And then, on motion of Mr. TILSON (at 4 o'clock and 8 minutes p. m.), the House adjourned until Monday, May 26, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, May 26, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

EXECUTIVE COMMUNICATIONS, ETC.

498. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting schedules of claims, amounting to \$63,200.08, allowed by various divisions of

the General Accounting Office, as covered by certificates of settlement (H. Doc. No. 427), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 9045. A bill for the appointment of two additional associate justices to the Court of Appeals of the District of Columbia; without amendment (Rept. No. 1628). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 11622. A bill to provide for the appointment of an additional district judge for the eastern district of Louisiana; with amendment (Rept. No. 1629). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAGUARDIA: Committee on the Judiciary. H. R. 12032. A bill to provide for the appointment of two additional district judges for the southern district of New York; without amendment (Rept. No. 1630). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 12307. A bill to provide for the appointment of one additional judge for the District Court of the United States for the Western District of Oklahoma; without amendment (Rept. No. 1631). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Merchant Marine and Fisheries. H. R. 12383. A bill to transfer from the United States Shipping Board to the Treasury Department certain property located at Hoboken, N. J.; without amendment (Rept. No. 1632). Referred to the House Calendar.

Mr. LEHLBACH: Committee on the Merchant Marine and Fisheries. S. J. Res. 176. A joint resolution transferring the functions of the radio division of the Department of Commerce to the Federal Radio Commission; with amendment (Rept. No. 1633). Referred to the House Calendar.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 11515. A bill to provide for the sale of the Government-building site located on the State line dividing West Point, Ga., and Lanett, Ala., for the acquisition in West Point, Ga., of a new site, and for the erection thereon of a Federal building; with amendment (Rept. No. 1634). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 12571. A bill to provide for the transportation of school children in the District of Columbia at a reduced fare; without amendment (Rept. No. 1637). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ROWBOTTOM: Committee on Claims. H. R. 1049. A bill for the relief of A. L. Hedding; without amendment (Rept. No. 1611). Referred to the Committee of the Whole House.

Mr. KINZER: Committee on Claims. H. R. 4175. A bill to extend the benefits of the employers' liability act of September 7, 1916, to Mary Ford Conrad; with amendment (Rept. No. 1612). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5911. A bill for the relief of Lieut. H. W. Taylor, United States Navy; without amendment (Rept. No. 1613). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 6288. A bill for the relief of Frank Rizzuto; without amendment (Rept. No. 1614). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7407. A bill for the relief of Chase E. Mulinex; with amendment (Rept. No. 1615). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7553. A bill for the relief of Lieut. Col. H. H. Kipp, United States Marine Corps, retired; without amendment (Rept. No. 1616). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7784. A bill for the relief of Mrs. L. E. Burton; without amendment (Rept. No. 1617). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7833. A bill for the relief of H. L. Lambert; without amendment (Rept. No. 1618). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7861. A bill for the relief of Lyman L. Miller; without amendment (Rept. No. 1619). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7872. A bill for the relief of Lucien M. Grant; without amendment (Rept. No. 1620). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7936. A bill for the relief of Frank Kanelakos; without amendment (Rept. No. 1621). Referred to the Committee of the Whole House.

Mr. DOXEY: Committee on Claims. H. R. 8024. A bill for the relief of the Atchison, Topeka & Santa Fe Railway Co.; with amendment (Rept. No. 1622). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 8224. A bill to reimburse D. W. Tanner for expense of purchasing an artificial limb; without amendment (Rept. No. 1623). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 8785. A bill for the relief of the Board of Underwriters of New York; without amendment (Rept. No. 1624). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 8983. A bill for the relief of Charles S. Gawler; without amendment (Rept. No. 1625). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 3301. An act for the relief of Hunter P. Mulford; without amendment (Rept. No. 1626). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5915. A bill for the relief of Barber-Hoppen Corporation; without amendment (Rept. No. 1627). Referred to the Committee of the Whole House.

Mr. McLEOD: Committee on the District of Columbia. H. R. 9792. A bill for the relief of the widows of certain members of the police and fire departments of the District of Columbia who were killed or died from injuries received in the line of duty, and for other purposes; with amendment (Rept. No. 1635). Referred to the Committee of the Whole House.

Mr. McLEOD: Committee on the District of Columbia. S. 2662. An act for the relief of Della D. Ledendecker; without amendment (Rept. No. 1636). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12538) granting a pension to Maud A. Robinson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2664) for the relief of the estate of Ambrose R. Tracy and his children; Committee on the Judiciary discharged, and referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEHLBACH: A bill (H. R. 12599) to amend section 16 of the radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

By Mr. ZIHLMAN: A bill (H. R. 12600) to regulate tolls charged for transit over highway bridges across the Potomac River between the States of Maryland and West Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. COLTON: A bill (H. R. 12601) to provide for the compromise and settlement of claims held by the United States of America arising under the provisions of section 210 of the transportation act, 1920, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES (by request of the War Department): A bill (H. R. 12602) to authorize an appropriation for construction at Carlisle Barracks, Pa.; to the Committee on Military Affairs.

By Mr. SCHAFER of Wisconsin: Resolution (H. Res. 225) to inquire into the activities of Federal officials and employees connected with the initiation and prosecution of disbarment proceedings against George F. Curtis; to the Committee on Rules.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 347) to provide for the erection of a suitable memorial to the memory of Comte de Grasse; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 12603) granting a pension to Richard H. McCarthy; to the Committee on Pensions.

By Mr. HOPKINS: A bill (H. R. 12604) granting an increase of pension to Mary A. J. Wilson; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 12605) granting an increase of pension to Sarah E. Eskridge; to the Committee on Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 12606) granting an increase of pension to Margaret S. Rains; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12607) granting an increase of pension to Alice Kirkpatrick; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12608) granting an increase of pension to Sarah E. Engle; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 12609) to authorize issuance of a patent to Frieda Buer for certain lands, and for other purposes; to the Committee on the Public Lands.

By Mr. McKEOWN: A bill (H. R. 12610) to release to the city of Chandler, Okla., all right, title, and interest of the United States in the military target range of Lincoln County, Okla.; to the Committee on Military Affairs.

By Mr. WOLVERTON of West Virginia: A bill (H. R. 12611) granting an increase of pension to Rachel J. Pierce; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7370. Petition of Columbus Camp, No. 49, of the Department of Ohio, United Spanish War Veterans, indorsing Comrade Albert D. Alcorn for appointment as Commissioner of Pensions; to the Committee on Pensions.

7371. By Mr. FITZGERALD: Petition signed by 17 residents of Dayton, Ohio, asking for repeal of Volstead law; to the Committee on the Judiciary.

7372. By Mr. GARBER of Oklahoma: Petition of Chamber of Commerce, State of New York, New York Board of Trade, and Advisory Board of American Coalition, urging support and passage of bill restricting immigration from Mexico; to the Committee on Immigration and Naturalization.

7373. Also, petition of American Association for Labor Legislation, New York, N. Y., urging support and passage of Senate bills 3059, 3060, and 3061; to the Committee on Labor.

7374. Also, petition of the Namm Store, of Brooklyn, N. Y., in opposition to House bill 11; to the Committee on Ways and Means.

7375. By Mr. HUDSON: Petition of the members of the Lansing district, Women's Foreign Missionary Society, Central Methodist Episcopal Church, Lansing, Mich., urging the passage of House bill 9986, having to do with the matter of Federal supervision of the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

7376. By Mr. ROBINSON: Petition signed by Ella B. Ward, president, and Mrs. W. F. Dodd, secretary, of the Woman's Christian Temperance Union of New Hartford, Iowa, urging the passage of legislation for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7377. By Mr. SELVIG: Petition of Minnesota Council of the Steuben Society of America, urging favorable action on House Joint Resolution 213; to the Committee on the Post Office and Post Roads.

7378. By Mr. TEMPLE: Resolution adopted at an institute under the auspices of the Woman's Christian Temperance Union of Jefferson, Greene County, Pa., urging the enactment of a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

SENATE

Monday, May 26, 1930

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Eternal Father, who lovest all Thy children with an everlasting love, grant us Thy choicest blessings as we gather here to dedicate anew our service to our country and our God. Give us a clear soul, an iron will, an attractive union of manliness and godliness, of shrewd sense and unworldly aims, and withal that kindness and pity the absence of which abates the actual value of all these other gifts. Enrich our personality with hope and greatness that we may touch the simplest acts of life with